

The Secretary proceeded to call the roll.

Mr. CULBERSON (when his name was called). Again announcing my pair and its transfer, I vote "nay."

Mr. FLETCHER (when his name was called). I announce the transfer of my pair as before and vote "nay."

Mr. MYERS (when his name was called). I transfer my pair with the junior Senator from Connecticut [Mr. McLEAN] to the junior Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. SMITH of Georgia (when his name was called). I am at liberty to vote for the purpose of making a quorum. I vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the announcement made upon the last roll call, I vote "nay."

The roll call was concluded.

Mr. CHAMBERLAIN. I make the same transfer as heretofore and vote "yea."

Mr. GORE. I again announce my pair with the junior Senator from Wisconsin [Mr. STEPHENSON] and its transfer to the Senator from Louisiana [Mr. THORNTON]. I vote "nay."

The result was announced—yeas 20, nays 25, as follows:

YEAS—20.

Brady	Clapp	Kenyon	Norris
Bristow	Cummins	Kern	Simmons
Burton	Gronna	Lane	Smoot
Chamberlain	Hollis	Martine, N. J.	Thompson
Chilton	Johnson	Newlands	Tillman

NAYS—25.

Camden	Lee, Md.	Shafroth	Weeks
Culbertson	Martin, Va.	Sheppard	West
Dillingham	Myers	Shields	White
Fall	Nelson	Shively	Williams
Fletcher	Overman	Smith, Ga.	
Gore	Pomerene	Smith, Md.	
James	Ransdell	Swanson	

NOT VOTING—51.

Ashurst	Goff	Owen	Smith, S. C.
Bankhead	Hitchcock	Page	Stephenson
Borah	Hughes	Penrose	Sterling
Braundagee	Jones	Perkins	Stone
Bryan	La Follette	Pittman	Sutherland
Burleigh	Lea, Tenn.	Polindexter	Thomas
Catron	Lewis	Reed	Thornton
Clark, Wyo.	Lippitt	Robinson	Townsend
Clarke, Ark.	Lodge	Root	Vardaman
Colt	McCumber	Saulsbury	Walsh
Crawford	McLean	Sherman	Warren
du Pont	O'Gorman	Smith, Ariz.	Works
Gallinger	Oliver	Smith, Mich.	

The VICE PRESIDENT. A quorum not having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brady	Fletcher	Nelson	Smith, Md.
Bristow	Gore	Newlands	Smoot
Burton	Gronna	Overman	Sterling
Camden	Kenyon	Pomerene	Swanson
Chamberlain	Kern	Shafroth	Thomas
Chilton	Lane	Sheppard	Thompson
Clapp	Lee, Md.	Shields	Weeks
Culbertson	Martin, Va.	Shively	West
Cummins	Martine, N. J.	Simmons	White
Fall	Myers	Smith, Ga.	Williams

The VICE PRESIDENT. Forty Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. RANSDELL responded to his name when called.

Mr. HOLLIS, Mr. JAMES, and Mr. JOHNSON entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-four Senators have answered to the roll call. There is not a quorum present. The Sergeant at Arms will carry out the instructions of the Senate heretofore given.

Mr. TILLMAN entered the Chamber and answered to his name.

RECESS.

The VICE PRESIDENT. The Senate of the United States having heretofore entered an order that not later than 5.30 o'clock p. m. to-day it would take a recess until 11 o'clock a. m. on Monday, and it appearing to the satisfaction of the presiding officer that the Sergeant at Arms is unable to obtain a quorum, the presiding officer declares the Senate in recess until 11 o'clock a. m. on Monday.

The Senate thereupon (at 4 o'clock and 40 minutes p. m.) took a recess until Monday, August 24, 1914, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, August 22, 1914.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art supremely great and glorious, pure and holy, just and merciful, pour out upon us abundantly the riches of Thy grace that our minds and hearts may be fully prepared to meet the duties and obligations of this day, that we may have at its close the consciousness of Thine approval, and to Thee we shall give all praise, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Missouri asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. RUSSELL. Mr. Speaker, I have been in attendance at this session of Congress every day. I have missed but one roll call, and that was because of being a pallbearer at the funeral of Gen. SHERWOOD's wife. On next Tuesday the Democratic State convention will meet in Missouri, and it is made the duty of the nominees in that State to attend the convention and make a platform. At this time it is impossible for the Speaker of this House or Mr. ALEXANDER and several others from Missouri, because of important duties, to attend that convention. I believe they all feel, and have so expressed themselves to me, that I should attend. I desire to do so, if this House will grant me permission to be absent on Monday, Tuesday, and Wednesday of next week. I therefore ask unanimous consent for leave of absence during that time.

The SPEAKER. The gentleman from Missouri asks unanimous consent for leave of absence for three days of next week. Is there objection?

There was no objection.

BUREAU OF WAR-RISK INSURANCE.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 6357) to authorize the establishment of a bureau of war-risk insurance in the Treasury Department, an identical House bill being on the calendar of the House.

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. MANN. It is a Union Calendar bill and is not in order.

Mr. ADAMSON. That is the reason that I asked unanimous consent for its present consideration.

Mr. MANN. I object.

WATER POWER ON THE PUBLIC DOMAIN.

The SPEAKER. Under the special rule the House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16673 to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16673, with Mr. FITZGERALD in the chair.

Mr. FERRIS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FERRIS. Mr. Chairman, debate upon this section was closed by unanimous consent at the expiration of a certain time, and I desire to know the status of that time.

The CHAIRMAN. The gentleman from Oklahoma has 10 minutes remaining.

Mr. FERRIS. Is that all the time that is left?

The CHAIRMAN. Yes.

Mr. FERRIS. Mr. Chairman, I yield five minutes to the gentleman from Colorado [Mr. TAYLOR].

Mr. TAYLOR of Colorado. Mr. Chairman, I would like to ask the gentleman from Illinois [Mr. MANN] a question. Just before the close of the debate on this section the other day the gentleman asked me if I would not consent to strike out of line 17 on page 10 of this bill the words "or other uses," and I objected to doing so.

Mr. MANN. Yes.

Mr. TAYLOR of Colorado. My thought was at that time that, by striking out those words and leaving the others in,

the legal maxim of the expression of one thing is the exclusion of the other would apply, and that it would very greatly limit and restrict the meaning intended. I want to ask the gentleman if his thought and my idea in the matter would not be better served if we should strike out all of the section after the word "water," in line 16? That is, strike out the words "used in irrigation or for municipal or other uses, or any vested right acquired thereunder."

That would leave the first four lines of that section, down to the word "water." I understand that the gentleman does not object to the expression in this section of a recognition of our water rights under the State law and does not deny our right to the control of waters as to appropriation and use and distribution under our State laws; but he objects to the specifying of "other uses," in addition to municipal and irrigation. "Other uses" would include domestic use, and any vested rights acquired might possibly be construed as applying only to heretofore, and would give a prior right to all appropriations under the Federal law hereafter. I thought that, unless the gentleman was intending by this bill to supersede our rights out there, by striking out all after the word "water" it would accomplish what he wants, if I correctly understand him, and at the same time accomplish what we of the West want to retain in the measure—that is, an express, safeguarding provision in the act that will obviate any question on this subject. That will eliminate those specifications in respect to municipal and irrigation and other uses, and let it read as follows:

SEC. 14. That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State relating to the control, appropriation, use, or distribution of water.

If that would satisfy the gentleman, so far as I am concerned, as the author of this section in the bill, I do not see that it would materially weaken the bill, and yet it would be an express recognition of and specifically preserve our State water-rights laws under our constitution, and would make the Government and these water-power companies come in and acquire their water rights under our State laws the same as other people. In other words, the gentleman certainly does not want to give a monopoly of our waters to the water-power companies.

Mr. MANN. Not at all.

Mr. TAYLOR of Colorado. And if the gentleman does not want to do that, we of the West feel that that whole section ought to remain in the bill, but it looks to me as though, if we cut out all after the word "water," it would effectually prevent the water-power companies going out there and trying to ignore our local State laws and superior rights by virtue of a Federal act, and assert a priority that they have no right to, and endeavor to acquire a monopoly.

Nobody in this House wants to knowingly give the water-power companies provided for in this bill a monopoly of our waters, or let them come in there and violate vested rights. I feel that if we do not have a saving clause of that kind in this bill they will do, or try to do, that. Because they are prone to accord too much power and authority to a Federal law, and we must have a safeguarding provision in the bill to prevent big power companies from riding over us. I do not want them to have the power to go into the Federal courts and harass and defeat our own little or big users of water or irrigation companies. Our water users are not all large companies. Ninety-nine per cent of them are small companies or associations of farmers or individuals. I want to protect those little fellows against these great, enormous, big eastern power companies that will come in there and try to gobble up our water if we do not head them off by the language I have inserted in the bill. We are very much in earnest about this matter in that country, and we want to make sure that this will protect the little fellows as against the big ones. We want to safeguard them. That is all there is to it.

Mr. MANN. Now, so far as the State control of water, authorized control, of course we can not interfere with that anyway.

Mr. TAYLOR of Colorado. Well, if we do not put in the bill something by way of an express disclaimer by Congress of what these power corporations may do, they will make us trouble. We feel that you ought not to give them a permit in any language which might be construed to supersede the vested rights of the people of that country; and if we put in that kind of a disclaimer it will save and protect our rights out there. If we do not, I fear it will make interminable trouble. I will never agree to jeopardize or undermine the birthright of the West to the use of our waters in our nonnavigable streams. It seems to me the gentleman ought not to want to give that power or the possibility of that power to the power companies. They are big enough to take care of themselves, without legislating

specially in their behalf. I am willing to accept the above modification, but the section 14, as so modified, must stay in the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Did not we have some time on this side?

Mr. FERRIS. I yield to the gentleman two minutes more.

Mr. MANN. I thought we had some time over here and we did not use all the time.

Mr. TAYLOR of Colorado. The Chairman says not. Go ahead in my two minutes.

Mr. MANN. I was going to yield to the gentleman; that is all.

Mr. TAYLOR of Colorado. I trust the gentleman will consent to make that modification of his amendment. I think that that would do nothing more than the gentleman is willing to do, as I understand it.

Mr. FERRIS. If the gentleman will permit, after the colloquy on the last day we ran, I took the debate and talked to the Interior Department, and they feel a good deal as if the disclaimer does not do so much one way or the other.

They called attention to the fact that on page 5 of the reclamation act and on page 11 of the Hetch Hetchy act we struck at the same proposition, and they thought—and I have a letter to that effect—that if we struck out, as suggested by the gentleman from Colorado [Mr. TAYLOR], all after the word "water," it would accomplish all the gentleman seeks to accomplish and still guard against that which some fear.

Mr. MANN. That may be correct. I have no desire, as far as I am concerned, to interfere with the ordinary control of the water in the States. On the other hand, I do not desire that the State shall have the power in subsequent legislation to interfere with the authority which we grant under this bill. It may be aimed absolutely at the lessees of the General Government—

Mr. TAYLOR of Colorado. The lessees under this bill will have every power they are entitled to, they can come in on the same footing as the other water-right appropriators. Their rights will be both acquired and protected under the State law.

Mr. MANN. If the gentleman wishes to offer an amendment striking out all of the section after the word "water," I will withdraw my amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. I yield the gentleman two minutes more.

Mr. MANN. I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLOR of Colorado. Mr. Chairman, I move to amend section 14 by striking out all thereof after the word "water," in line 16, and insert a period after the word "water."

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 10, by striking out all of section 14 after the word "water," in line 16.

Mr. MONDELL. Mr. Chairman, will the gentleman from Colorado yield to me?

Mr. TAYLOR of Colorado. Yes, sir.

Mr. MONDELL. I think the gentleman from Colorado strikes out too much. I think the words at the end of that section, "or any vested right acquired thereunder," should remain in the bill. I think it is highly important.

Mr. TAYLOR of Colorado. My thought, I will say to the gentleman from Wyoming, is that this will leave the section much broader than it now is. If you leave in "or any vested right acquired thereunder" I am afraid you are limiting and narrowing the meaning of the fore part of the section.

Mr. MONDELL. On the contrary. I will call the attention of the gentleman to the fact that the first part of the section is a simple disclaimer. The words at the end of the section, which I think should remain in, are a saving clause. I doubt if we can take away a vested right, and yet there are provisions in this act as it stands which, if they could be enforced as they are written, would interfere with vested rights.

I think the repealing clause of the bill would jeopardize vested rights. Therefore, it strikes me you ought not to take from the bill a provision now in which it is intended to protect vested rights, that should be in addition to the general disclaimer with regard to the State jurisdiction over water.

Mr. TAYLOR of Colorado. I will state to the gentleman that the attorneys in the Interior Department ran the question down for the committee, and they state that, if we put in a disclaimer affecting or of any intention to affect or to in any way interfere with the laws of the State relating to the control, appropri-

tion, use, or distribution of the waters of our streams, it would be enough and even more than is necessary to protect our rights.

Mr. MONDELL. Is the gentleman of the opinion that some one down at the department knows more about it than he does?

Mr. TAYLOR of Colorado. No; I think the gentleman knows I do not rely upon the department officials any more than he does. At the same time I am often glad to have their judgment, whether I follow it or not.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask for a vote.

Mr. MONDELL. Mr. Chairman, I move to amend the amendment. I offer the following amendment, to strike out in lines 16 and 17 the words "used in irrigation or for municipal or other uses."

Mr. TAYLOR of Colorado. I have not any objection if that is satisfactory to let it go in, but it seems to me that it is not in order—

The CHAIRMAN. The amendment offered by the gentleman from Wyoming is not in order as an amendment to the amendment of the gentleman from Colorado.

Mr. MONDELL. Mr. Chairman, the gentleman from Colorado offered an amendment to strike out two provisions of the bill.

The CHAIRMAN. The gentleman from Colorado moves to strike out all of section 10, after the word "water," in line 16.

Mr. MONDELL. Now, I move to amend that by only striking out after the word "water" the words "used in irrigation or for municipal or other uses." In other words, I only strike out half of what the gentleman strikes out.

Mr. MANN. While I am not in favor of the amendment, the amendment of the gentleman from Wyoming is merely to perfect the text of the provision which the gentleman from Colorado proposes to strike out, and hence would be in order.

The CHAIRMAN. The gentleman from Wyoming moves to strike out from the amendment offered by the gentleman from Colorado the words which the Clerk will report.

The Clerk read as follows:

Amend the amendment by striking out the words, in lines 16 and 17, "used in irrigation or for municipal or other uses."

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. MONDELL. Mr. Chairman, I would like to be heard on my amendment.

The CHAIRMAN. All debate on this section has been closed by unanimous consent. The yeas had it.

Mr. MONDELL. I do not think the yeas had an opportunity to vote.

Mr. TAYLOR of Colorado. I will ask the Chairman to state that over again.

The CHAIRMAN. The Chair put the question.

Mr. MONDELL. I was endeavoring to get the attention of the Chair.

The CHAIRMAN. The Chair does not think the gentleman was endeavoring to get the Chair's attention. The question now is on the amendment of the gentleman from Colorado [Mr. TAYLOR].

Mr. MONDELL. Mr. Chairman, I suggest the absence of a quorum.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and one Members are present, a quorum. The question is on the amendment of the gentleman from Colorado [Mr. TAYLOR].

The question was taken, and the amendment was agreed to.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. ADAMSON having taken the chair as Speaker pro tempore, sundry messages, in writing, from the President of the United States were communicated to the House of Representatives, by Mr. Latta, one of his secretaries, who also informed the House that the President had approved and signed bills and joint resolutions of the following titles:

On August 3, 1914:

H. J. Res. 312. Joint resolution for the relief, protection, and transportation of American citizens in Europe, and for other purposes.

On August 5, 1914:

H. J. Res. 314. Joint resolution for the relief, protection, and transportation of American citizens in Europe, and for other purposes.

On August 8, 1914:

H. R. 11822. An act to acquire, by purchase, condemnation, or otherwise, additional land for the post office, courthouse, and customhouse in the city of Richmond, Va.

On July 30, 1914:

H. R. 16294. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

On August 10, 1914:

H. R. 15939. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 16345. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 17482. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

On August 13, 1914:

H. J. Res. 288. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914.

On August 18, 1914:

H. R. 18202. An act to provide for the admission of foreign-built ships to American registry for the foreign trade, and for other purposes.

On August 20, 1914:

H. J. Res. 295. Joint resolution authorizing the Secretary of War to return to the State of Louisiana the original ordinance of secession adopted by said State;

H. R. 816. An act for the relief of Abraham Hoover;

H. R. 13415. An act to increase the limit of cost of public building at Shelbyville, Tenn.; and

H. R. 14679. An act for the relief of Clarence L. George.

On August 21, 1914:

H. J. Res. 249. Joint resolution for the appointment of George Frederick Kunz as a member of the North American Indian Memorial Commission;

H. R. 6609. An act for the relief of Arthur E. Rump;

H. R. 3920. An act for the relief of William E. Murray;

H. R. 10460. An act for the relief of Mary Cornick; and

H. R. 14685. An act to satisfy certain claims against the Government arising under the Navy Department.

On August 22, 1914:

H. R. 1516. An act for the relief of Thomas F. Howell;

H. R. 1528. An act for the relief of T. A. Roseberry;

H. R. 6420. An act for the relief of Ella M. Ewart;

H. R. 9829. An act authorizing the Secretary of the Interior to sell certain unused remnant lands to the Board of County Commissioners of Caddo County, Okla., for fairground and park purposes;

H. R. 10765. An act granting a patent to George M. Van Leuven for the northeast quarter of section 18, township 17 north, range 19 east, Black Hills meridian, South Dakota;

H. R. 11765. An act to perfect the title to land belonging to the M. Forster Real Estate Co., of St. Louis, Mo.;

H. R. 12463. An act to authorize the withdrawal of lands on the Quinalt Reservation, in the State of Washington, for light-house purposes;

H. R. 12844. An act for the relief of Spencer Roberts, a member of the Metropolitan police force of the District of Columbia;

H. R. 13717. An act to provide for leave of absence for homestead entrymen in one or two periods;

H. R. 17045. An act for the relief of William L. Wallis;

H. R. 13965. An act to refund to the Sparrow Gravelly Tobacco Co. the sum of \$176.99, the same having been erroneously paid by them to the Government of the United States;

H. R. 14404. An act for the relief of E. F. Anderson;

H. R. 14405. An act for the relief of C. F. Jackson;

H. R. 16205. An act for the relief of Davis Smith;

H. R. 16431. An act to validate the homestead entry of William H. Miller; and

H. R. 16476. An act authorizing the Secretary of the Interior to issue patent to the city of Susanville, in Lassen County, Cal., for certain lands, and for other purposes.

DEVELOPMENT OF WATER POWER.

The committee resumed its session.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 15. That all acts or parts of acts providing for the use of the lands of the United States for any of the purposes to which this act is applicable are hereby repealed to the extent only of any conflict with this act: *Provided, however*, That the provisions of the act of February 15, 1901 (31 Stat. L. 790), shall continue in full force and effect as to lands within the Yosemite, Sequoia, and General Grant National Parks in the State of California; *And provided further*, That the provisions of this act shall not be construed as revoking or affecting any permits or valid existing rights of way heretofore given or granted pursuant to law, but at the option of the permittee any permit heretofore given for the development, generation, transmission, or utilization of hydroelectric power may be surrendered and the permittee given a lease for the same premises under the provisions of this act.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

This section repeals a considerable number of statutes; just how many no one knows. It became very clear during the hearings that no one knew just what the effect of this repeal of conflicting statutes would be. It is certain that it repeals the provision of the act of February 1, 1905—I think it is—under which are obtained rights of way within forest reserves for mining and municipal purposes. It also repeals the act of May 11, 1898, supplemental to the act of 1891, under which water power may be developed subsidiary to development for purposes of irrigation. It will also repeal the act of March 4, 1911, so far as it affects rights of way for the transmission and distribution of electrical power, and the repeal of that act, in view of the provisions of this act, would be a very serious matter. For instance, a going enterprise, one already built, in the State of California, for instance, now under control of the public-service commission of the State and paying 4 per cent to the State, might desire to extend a transmission line over a strip of public land. That could be done now under the act of March 4, 1911, under a 50-year franchise and without changing the status of the enterprise; but when you repeal that statute by this enactment, and such a company should seek such a right of way, its entire plant and all of its operations would be brought under the provisions of the act before us. It might be taken out of the control of the State; it certainly would if it had a line running into another State. It might, under the terms of this bill, and probably would, have a horsepower charge laid on the entire project and enterprise. I do not pretend to say whether the State could still continue to levy its charge or not. If it did, the enterprise would be paying a double tax on its water-power development simply because it was compelled to cross a strip of public land with a pole line. I think the astute gentlemen from the department who had so much to do with the preparation of this bill understand what its effect would be under the circumstances I have mentioned. No doubt they would be glad to get projects already built under their complete control in that way, as they evidently desire to control the power development supplemental and subsidiary to irrigation enterprises. They have evidently put a joker over on the committee.

The acts referred to should remain on the statute books. Just how it affects other acts no one knows. I am sure there is not a member of the committee—and I credit the gentlemen with knowing a good deal about their bill—who has any clear idea concerning it.

Mr. RAKER. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. RAKER. How can the gentleman figure out that this repeals the irrigation act referred to?

Mr. MONDELL. Why, during the hearing some one suggested it would repeal that supplemental irrigation act, and the gentleman who was appearing before the committee for the department, Mr. Wells, I think it was, said that is what they wanted to do. Of course, that repeals those two acts, and I do not know how many more.

Mr. RAKER. The original bill contained a repeal of all acts. That was entirely eliminated, and this proviso now is intended to leave in full force and effect all the acts referred to by the gentleman, and it only repeals any law that relates to the generation of electric energy.

Mr. MONDELL. It repeals unquestionably—

Mr. RAKER. The attorney for the department—

Mr. MONDELL. The gentleman has taken most of my time. If I can get more time I will be glad to yield.

Mr. RAKER. I am satisfied we can get more time for the gentleman. The first clause says:

That all acts or parts of acts providing for the use of the lands of the United States for any of the purposes for which this act is applicable are hereby repealed to the extent only of any conflict with this act.

That was gone over by the committee and the law officers of the department, so as to leave in full force and effect all the acts that the gentleman refers to, and it only affects the act of

1901 in regard to the question of reservoir rights, and so forth, for the purpose of preparing to generate electric energy.

Mr. MONDELL. The gentleman, if he will listen to me for a moment—

Mr. RAKER. Surely I will.

Mr. MONDELL (continuing). I think will have to agree with me that it unquestionably repeals the provision of law which provides for the development of power supplemental and subsidiary to irrigation development, because it repeals everything that has to do with the development of hydroelectric power, and that is precisely what that act does, and it does nothing else. So it clearly repeals that, and your committee had before it an official of the department who said that that was their object and intent.

Now, as to the act of 1905, which was a part of the law which transferred the forest reserves—that is, the water and power portion of it—there may be some question as to whether or no the provisions of that act, the power and water provisions, are repealed, but it is doubtful at best, and the probability is that it is modified. But there can be no question—

The CHAIRMAN. The time of the gentleman from Wyoming [Mr. MONDELL] has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may have two minutes more.

The CHAIRMAN. The gentleman from Wyoming ask unanimous consent to proceed for two minutes. Is there objection?

Mr. DONOVAN. I object, Mr. Chairman.

Mr. RAKER. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from California moves to strike out the last two words.

Mr. RAKER. The gentleman can make a statement of two minutes in my time and ask a question.

Mr. MONDELL. I thank the gentleman. I do not wish to take the gentleman's time. I think the gentleman from California has the same view of this matter as I have. I do not believe he wants to repeal the particular act to which I have referred; that is, the act which provides for power development in connection with plants having a right of way under the act of 1891. But I think that the act clearly does that. And let me say further to the gentleman that had the committee supported my amendment to the amendment of the gentleman from Colorado [Mr. TAYLOR] there would not have been any question about this, because there would then have been a provision in the bill expressly protecting vested rights. But the committee insisted on refusing to protect vested rights. The committee had protected vested rights in the bill as it reported it. Then a member of the committee comes on the floor and offers an amendment which takes away all protection from every vested right that has been acquired. So far as those vested rights can be affected by this bill, they are swept aside. They have no standing. I do not know to what extent they can be affected, but so far as this bill can affect them, by your action, by your refusal to perfect that amendment, you have swept away whatever protection you had in the vested rights.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. STEPHENS of Texas. Has the gentleman read the last section of the bill?

Mr. MONDELL. Yes.

Mr. STEPHENS of Texas. It provides that it "shall not be construed as revoking or affecting any permits or valid existing rights of way heretofore given or granted pursuant to law," and so forth.

Mr. MONDELL. That has nothing to do, as the gentleman from Texas should know, with the first proposition I referred to, and that is the repeal of the law. While that might save certain classes of rights, the repeal of the laws will prevent the granting in the future of certain classes of rights, such as are needed for power purposes on irrigation projects. I do not think the committee wants to make the irrigationists come under the provisions of this bill.

Mr. RAKER. Mr. Chairman, I want to call the attention of the committee to the fact that the original draft of the bill and also some amendments that were presented did in substance repeal, or attempt to repeal, all laws relating to the water situation—irrigation, mining, and so forth. The committee was unanimous upon that question, that none of the laws in relation to irrigation, none of the laws relating to the development of water in the national forests or on the public domain, should be repealed. They wanted them all to remain in force and effect, and the matter was taken up with the Department of the Interior, with the attorney for the Department of the Interior, and

also with the officers of the Forest Service, and was thoroughly thrashed out.

Now, I am just as strong in favor of keeping upon the statute books the present law in relation to the development of water, ditches, the right of irrigation, the right of the miner for his mill and any other development that he might make, as the gentleman from Wyoming is, and this was drawn with the express purpose that it would apply only to hydroelectric development, and all other laws should remain in full force and effect.

Now, what the gentleman refers to is this: There is an act which permits a man to have ditches and reservoirs for agricultural work and other purposes, and incidentally it may permit the development of these water plants for hydroelectric purposes. The two departments—the Department of the Interior and the Department of Agriculture—have held up a great many applications upon the ground that they could not tell which one was the more important, and that, so far as the law related to joint action, they ought to be separated. In other words, they say this statute ought to apply solely and exclusively to the development of hydroelectric energy, and for that purpose only, but all other laws on the statute book and any others that might be necessary should be in full force and effect.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

Mr. DONOVAN rose.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from California may proceed for five minutes more. Is there objection?

Mr. DONOVAN. I object, Mr. Chairman.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from California a question in reference to the provision in the bill continuing in full force the law relating to certain parks in California. I have examined the act of February 15, 1901. What are the provisions of that act which it is contended shall remain in full force and effect and which conflict with the provisions of this act?

Mr. RAKER. The provisions of that act are as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of rights of way through the public lands, forest and other reservations of the United States, and the Yosemite, Sequoia, and General Grant National Parks, Cal., for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed 50 feet on each side of the marginal limits thereof, or not to exceed 50 feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder, or any one or more of the purposes herein named: *Provided*, That such permits shall be allowed within or through any of said parks, or any forest, military, Indian, or other reservation only upon the approval of the chief officer of the department under whose supervision such park or reservation falls, and upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all permits given hereunder for telegraph and telephone purposes shall be subject to the provision of title 65 of the Revised Statutes of the United States, and amendments thereto, regulating rights of way for telegraph companies over the public domain: *And provided further*, That any permission given by the Secretary of the Interior under the provisions of this act may be revoked by him or his successor, in his discretion, and shall not be held to confer any right or easement, or interest in, to, or over any public land, reservation, or park.

The committee view is that that act ought to remain as it is, and there ought to be a revocable permit, as there is now.

Mr. MANN. That law does not conflict in any way with this, does it?

Mr. RAKER. Not in any way.

Mr. MANN. Then this is put in out of excess of caution?

Mr. RAKER. Yes; this is put in out of excess of caution, as a precaution. We did not want to interfere with the parks. If anybody gets a right to a park, he must get it by special act of Congress.

Mr. MANN. Is there not a similar provision with relation to other parks?

Mr. RAKER. No; there is no similar provision which relates to those parks. Those are the only ones, with the exception of Mount Rainier. There is no right given to the Secretary of the Interior or to the Secretary of Agriculture such as is given in the case of the Yosemite and the three parks named here—the Yosemite, the Sequoia, and the General Grant.

Mr. FERRIS. Mr. Chairman, I offer the following amendment as a new section at the end of the bill.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma [Mr. FERRIS].

The Clerk read as follows:

Add as a new section, to be known as section 16:

"That this act shall not apply to navigation dams or structures under the jurisdiction of the Secretary of War or the Chief of Engineers, or to lands purchased or acquired by condemnation by the United States or withdrawn by the President under the act approved June 25, 1910, entitled 'An act to authorize the President of the United States to make withdrawals of public lands in certain cases where such lands were purchased or acquired by condemnation or withdrawn by the President for the sole purpose of promoting navigation.'"

Mr. FERRIS. Mr. Chairman, I presume that the committee can determine what the amendment is by hearing it read. But in a word it is an agreement between the Secretary of the Interior and the Secretary of War, and in a word it is a disclaimer in this bill, so to speak, of any intention by the provisions of this bill to in any way invade the jurisdiction that comes under the Adamson bill in the War Department or of the Chief of Engineers. As is known, dams of all kinds in navigable waters come under the jurisdiction of the War Department. The House has recently passed a bill on that subject, and the amendment offered here is in consequence of an agreement made between the Secretaries that we shall not invade either jurisdiction. I hope the House will adopt the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma [Mr. FERRIS].

The amendment was agreed to.

The CHAIRMAN. The Clerk will report section 8.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HAY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had excused Mr. SWANSON from further service as a conferee on the bill (H. R. 7967) to amend the act approved June 25, 1910, authorizing a postal savings system, and had appointed Mr. BANKHEAD in his place.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7967) to amend the act approved June 25, 1910, authorizing a postal savings system.

The message also announced that the President of the United States had approved bills and joint resolution of the following titles:

On August 15, 1914:

S. 4966. An act proposing an amendment as to section 19 of the Federal reserve act relating to reserves, and for other purposes:

S. 5313. An act to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and the Straits of Florida outside of State jurisdiction; the landing, delivering, curing, selling, or possession of the same; providing means of enforcement of the same, and for other purposes; and

S. 6031. An act authorizing the Board of Trade of Texarkana, Ark.-Tex., to construct a bridge across Sulphur River at or near Pace's ferry, between the counties of Bowie and Cass, in the State of Texas.

On August 16, 1914:

S. 110. An act to tax the privilege of dealing on exchanges, boards of trade, and similar places in contracts of sale of cotton for future delivery, and for other purposes.

On August 20, 1914:

S. J. Res. 178. Joint resolution granting authority to the American Red Cross to charter a ship or ships of foreign register for the transportation of nurses and supplies and for all uses in connection with the work of that society.

DEVELOPMENT OF WATER POWER.

The committee resumed its session.

The Clerk read as follows:

SEC. 8. That for the occupancy and use of lands and other property of the United States permitted under this act the Secretary of the Interior is authorized to specify in the lease and to collect charges or rentals for all power developed and sold or used by the lessee for any purpose other than the operation of the plant, and the proceeds shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902, known as the reclamation act, and after use thereof in the construction of reclamation works and upon return to the reclamation fund of any such moneys in the manner provided by the reclamation act and acts amendatory thereof and supplemental thereto, 50 per cent of the amounts so utilized in and returned to the reclamation fund shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the hydroelectric power or energy is generated and developed, said moneys to be used by such State for the support of public schools or other educational institutions or for the construction of public improvements, or both, as the legislature of the State may direct: *Provided*, That leases for the development of power by municipal corporations solely for municipal use shall be issued without rental charge, and that leases for development of power not in excess of 25 horsepower

may be issued to individuals or associations for domestic, mining, or irrigation use without such charge.

Mr. PAGE of North Carolina. Mr. Chairman, I offer the following amendment.

Mr. MONDELL. I offer the following amendment.

The CHAIRMAN. The gentleman from North Carolina [Mr. PAGE] offers an amendment which the Clerk will report.

The Clerk read as follows:

After the word "into," in line 4, on page 7, strike out the remainder of the section and insert in lieu thereof the following: "the Treasury of the United States as miscellaneous receipts."

Mr. MONDELL. Mr. Chairman, will the gentleman yield to me?

The CHAIRMAN. The gentleman from North Carolina has the floor.

Mr. PAGE of North Carolina. I yield to the gentleman for a question.

Mr. MONDELL. I want to ask the gentleman if he has any objection to the discussion of an amendment which naturally comes before his amendment, as it has to do with the general question of the amount of the rentals?

Mr. PAGE of North Carolina. No; I have no objection if my amendment is pending.

Mr. MONDELL. I have an amendment changing the amount and character of the rentals.

Mr. PAGE of North Carolina. If the gentleman's amendment is to the part of the section which is not stricken out by my amendment, then the gentleman's amendment might be offered afterwards.

Mr. MONDELL. I think the logical way would be to offer the amendment to the first part of the section first; but of course I do not insist if the gentleman has any objection to it. It occurred to me that if we could first discuss the amount and character of these rentals, we could then discuss the disposition of the proceeds more intelligently.

Mr. PAGE of North Carolina. If the gentleman will allow me, I do not think the amount of the charge will affect the disposition of it at all. The principle is not affected by the amount of money that may be involved in the charge.

Mr. FERRIS. Will the gentleman yield?

Mr. PAGE of North Carolina. I yield to the gentleman.

Mr. FERRIS. How much time does the gentleman think we should consume on this section?

Mr. PAGE of North Carolina. Personally I have no information as to how much time. I will want to occupy probably 10 minutes, not exceeding that, myself.

Mr. FERRIS. Has the gentleman any intimation as to others who may want time?

Mr. PAGE of North Carolina. Yes; I think there are several other gentlemen who may likely want some time on it.

Mr. FERRIS. Would it be the judgment of the gentleman that 30 minutes on a side would be sufficient?

Mr. PAGE of North Carolina. So far as I am personally concerned.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the end of one hour debate be closed on this amendment and all amendments thereto, and that one-half of the time be controlled by the gentleman from North Carolina [Mr. PAGE] and one-half by myself for the committee.

Mr. MONDELL. Mr. Chairman, I offer a preferential motion. Mr. FERRIS. Will not the gentleman wait until we get this unanimous-consent agreement?

Mr. MANN. I think we will probably want more time than the gentleman indicates.

Mr. FERRIS. What is the gentleman's suggestion?

Mr. MANN. I think we ought to let the debate run a little while, in order to find out how much time may be desired. We probably will not do anything else to-day.

Mr. FERRIS. I have no disposition to cut off debate.

Mr. MANN. I understand.

Mr. FERRIS. But the gentleman knows that the debate gets very far afield sometimes, unless we have some control of it. Would the gentleman indicate how much time—an hour and a half?

Mr. MANN. I think we will get along better if we do not make any agreement in advance. Several gentlemen have indicated a desire to be heard on this proposition.

Mr. FERRIS. I withhold the request.

Mr. MANN. I think it is well to withhold it for a while. If there is any trouble, we can reach an agreement later.

Mr. MONDELL. Mr. Chairman, I have an amendment to the section, a portion of which the gentleman from North Carolina proposes to strike out.

The CHAIRMAN. The Chair will see that the rights of the gentleman from Wyoming with reference to his amendment are protected.

Mr. PAGE of North Carolina. Mr. Chairman, this section of the bill provides that of the proceeds arising from the rental of these water powers on the public domain, 50 per cent of the amount shall be paid into the reclamation fund and the remaining 50 per cent shall be turned over to the State in which the improvement is made, for appropriation by that State under the direction of its legislature, either for educational purposes or for public improvements.

We have recently passed through this House and through the Congress a general water-power act applying to the navigable streams of the country. Of course these navigable streams are located in the various States, and there was no suggestion made by any gentleman upon this floor that any part of the rental received by the Government from the construction of these hydroelectric plants on navigable streams should be diverted either to the necessary work of the improvement of rivers and harbors or to the State in which the development was made. That proposition would have been on all fours with the proposition laid down in this bill to turn over to the reclamation fund 50 per cent of the rentals in the public-land States and the other 50 per cent to the States in which these improvements are made.

My amendment strikes out this provision and declares that the rentals derived from the construction of hydroelectric plants on the public domain shall be turned into the Treasury as "miscellaneous receipts." I am sometimes impressed that certain gentlemen representing that great country in the West have persuaded themselves that the public domain lying within the bounds of the States that they represent belongs to them and not to the people of the whole country. The public lands are the property of the whole people of the United States, and not the property of the States in which they are located.

Mr. SMITH of Texas. Will the gentleman yield?

Mr. PAGE of North Carolina. I yield to the gentleman for a question.

Mr. SMITH of Texas. Does the gentleman know that the public lands in these Western States to which this act applies have already been appropriated to the reclamation fund?

Mr. PAGE of North Carolina. Yes; I know that the proceeds from the sale of the lands have been appropriated, and I was going to say that we have already, under the reclamation act of 1892 and amendments thereto, appropriated to the reclamation projects in the West a sum of money two and a half times as great as anybody prophesied would be received from the sale of public lands at the time of the passage of the act, reaching now approximately \$80,000,000 without interest, to the people who come in under reclamation projects.

We have recently passed through this House a bill extending the time of these loans under the reclamation projects for 10 years—possibly 20 years—to these people without interest. That is only an argument in favor of my proposition, and whatever obligation we may have been under to turn the proceeds of the public lands over for local purposes, we have not only met in legislation in the past and in the amount of money turned into this channel, but we have far exceeded any obligation resting upon the people as a whole.

Mr. COX. Will the gentleman yield?

Mr. PAGE of North Carolina. Certainly.

Mr. COX. Is it not true that in most of the Western States, where reservations are made, from 25 to 50 per cent of the money derived from the sale of timber goes to educational purposes?

Mr. PAGE of North Carolina. Yes; instead of going into the Treasury of the United States as "miscellaneous receipts," as proceeds from the sale of property, 35 to 50 per cent of the money is diverted and appropriated to the State in which the reservation may lie for the benefit of that State; of course, upon the theory that these lands have been withdrawn and are not subject to taxation within the State. But I am not ready, for one, to commit myself to this policy as being a good one. I think we have gone not only far enough but too far in this direction.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. PAGE of North Carolina. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. PAGE of North Carolina. We might as well, it seems to me, have provided in the general dam act, which we passed recently, that 50 per cent of the rentals of the water powers on navigable streams should be placed in a fund for the improvement of the river on which the power was generated, and that the other 50 per cent should go into a fund for the State

in which the plant was located for the uses of the State for educational purposes. I think it would be just as logical if I was to come here and ask the Congress of the United States to pass a law to the effect that 50 per cent of the income tax collected from the citizens in my State should be placed to the credit and control of my State for educational purposes, or that half the customs receipts received in the port of New York might be diverted to State purposes.

We have gone absolutely wild in the appropriation of public money to local purposes, but it is time, it seems to me, that we should divert this money and turn it back into the Treasury of all the people for the uses of all the people. I am not unfriendly to that great section of the country known as the West. I have voted for measures peculiarly beneficial to that section, and I am ready yet to do it, but I think these gentlemen should not come here and ask those of us who come from every other section of this great country to surrender all our rights in the great domain that is the common property of us all in this western empire.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. PAGE of North Carolina. Yes.

Mr. STEPHENS of Texas. Does not the gentleman concede that North Carolina got every foot of public land in his State in the beginning?

Mr. PAGE of North Carolina. North Carolina was one of the original thirteen States, and there was never much public land in it.

Mr. STEPHENS of Texas. But your people got the entire benefit of the public lands that were in North Carolina.

Mr. PAGE of North Carolina. Such as there was, which was very small; a very limited area.

Mr. STEPHENS of Texas. That is only what these gentlemen of the West are asking for.

Mr. PAGE of North Carolina. Rather than that the State should take all these lands by piecemeal I would support a measure that would turn over to them every foot of public land within their State borders. [Applause.] I do not believe in taking it in this way, and I had rather go the whole length than to admit by our legislation here the right of the States in the West to have the benefit that accrues from the location of the public domain within the borders of those States.

Mr. FERRIS. Will the gentleman yield?

Mr. PAGE of North Carolina. Yes.

Mr. FERRIS. I know that the gentleman from North Carolina would do nothing to array the West against the East or the East against the West.

Mr. PAGE of North Carolina. I have no purpose of doing any such thing.

Mr. FERRIS. But does not the gentleman think that when Congress has appropriated for rivers and harbors, and so forth, for the East \$753,916,446.61 that they never expect to get back, and also an appropriation in a bill that carries \$5,000,000—does he not think that the equities are not so bad as compared with the total amount given to reclamation of \$70,000,000, every cent of which is to come back?

Mr. PAGE of North Carolina. Oh, I am not going to differentiate between a tax and a pork barrel. The gentleman knows that the appropriations for rivers and harbors have been made to aid commerce, to bring a benefit not only to the people of the East but to the country at large.

Mr. TAYLOR of Colorado. Does not the gentleman realize that every acre of land that is made habitable in the West simply benefits the whole country; that we buy everything we use out there from people in the East and the South, and that every home established there benefits the whole country?

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

Mr. PAGE of North Carolina. Mr. Chairman, I do not often ask for time, but I would like five minutes more.

The CHAIRMAN. The gentleman from North Carolina asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. PAGE of North Carolina. Mr. Chairman, in reply to my friend, I am rather surprised that the gentleman from Colorado should have injected that proposition into my speech. I would like to ask him if this bill, making a contribution of 50 per cent, is going to make another homestead in his State?

Mr. TAYLOR of Colorado. It is going to make a great many hundreds of them.

Mr. PAGE of North Carolina. No. The building of these water powers may do it, but where the proceeds go will not affect in the slightest degree the number of people who settle there.

Mr. TAYLOR of Colorado. It helps to complete these reclamation projects, it helps to reclaim the arid lands, and it makes homes for the people and schools for the people.

Mr. PAGE of North Carolina. Mr. Chairman, I yielded to the gentleman for a question—not for a speech.

Mr. TAYLOR of Colorado. I was just trying to answer the gentleman's question.

Mr. PAGE of North Carolina. Mr. Chairman, there might be some criticism made if I were disposed to make criticism of the West, but I want to deny any such intention upon my part. I am not here in an effort to arraign one section of the country against another, nor am I here to arraign one interest against another; but there ought to be some equity in legislation here as between the different sections of this country and the different representatives of the different sections. A great many of us are going to be confronted—in fact, all of us are likely to be confronted in the near future, and we are confronted now—with a demand for legislation along the line of rural credits. The great agricultural classes of this country are asking that they be placed on a par with the commercial interests in their ability to secure money for the financing of their business. That is up to most of us. I am here personally representing a great agricultural district, with nearly 300,000 people in it, with a territory large enough to be made a State, and larger than some States in the American Union. Those people are agricultural people, and they are clamoring, and constantly clamoring, for some relief from the condition in which they find themselves. I think they ought to have it; but when they come to me as their Representative and we offer them in a rural credit bill opportunity to secure money from the National Treasury, in some way, at an interest rate of 3 or 4 or 5 per cent, they immediately say to us, "You have placed in the great West, for the development of land in that country and agricultural interests, \$80,000,000 without interest." Tell me how I am going to answer that, some of you gentlemen, when you take the floor. It simply can not be answered, and I believe—I know—that many of us must very soon answer that question. If I were disposed to, I might criticize the expenditures of the money under the Reclamation Service for the things for which they have spent it and the returns they have gotten; but I have not the time now, and at some future time, possibly, I may enter into that.

Mr. SELDOMRIDGE. Mr. Chairman, will the gentleman yield?

Mr. PAGE of North Carolina. For a question.

Mr. SELDOMRIDGE. Do I understand the gentleman to favor a proposition that would allow the Federal Government to construct a power plant in the State of North Carolina and take the receipts of that plant from the people of that State and put a portion of them into the Federal Treasury?

Mr. PAGE of North Carolina. The gentleman understands me exactly, if that plant be constructed on lands of the Government in the State of North Carolina, and the Federal Government has recently acquired land there.

Mr. SELDOMRIDGE. No matter whether the land had been improved or not, but simply because it possesses certain natural advantages for that particular purpose?

Mr. PAGE of North Carolina. If it belongs to the National Government and it has acquired it and it improves it by the construction of a water-power plant under this bill, I believe the proceeds from that plant should go into the Treasury.

Mr. SELDOMRIDGE. I am surprised that a statement of that kind should come from a gentleman from North Carolina.

Mr. PAGE of North Carolina. It has come; and I want to say that there is now a proposition at another place in that State of North Carolina, and the people ask that a certain part of the proceeds that may be derived from it shall go into the treasury of that State; but I stand here and now to say that I am opposed to it and will oppose it if it comes to this body. It belongs to the National Government, and the National Government has paid for it, and it is its right to have any revenues that may be derived from that land located in my State. I believe the same as to the land that belongs to the Government in the State of California, in the State of New Mexico, or in any other State in the West where there are public lands.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. PAGE of North Carolina. Yes.

Mr. BURKE of South Dakota. How does the gentleman justify the fact that there are \$1,433,757.39 held by the State of North Carolina, money of the United States, since 1836, upon which it has paid no interest?

Mr. PAGE of North Carolina. I justify that because by an act of Congress this money was paid back to those States, and

to all of the States then in the Union, and that is justification enough to satisfy me, whether it pleases the gentleman or not.

Mr. BURKE of South Dakota. But it was to be repaid?

Mr. PAGE of North Carolina. Has the United States Government ever taken any action to recover this fund?

Mr. BURKE of South Dakota. But the money is due.

Mr. PAGE of North Carolina. Certainly it is due, but the United States Government has never seriously expected it to be refunded, and it has never tried to have it refunded.

Mr. BURKE of South Dakota. And the State of North Carolina is not paying any interest on it.

Mr. PAGE of North Carolina. Certainly not. It was turned over to the State—

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

Mr. PAGE of North Carolina. Mr. Chairman, I shall not at this time ask for further time, but I hope that this amendment will be adopted.

Mr. HAYDEN. Mr. Chairman, there are two extreme views in this House and over the country in regard to water-power legislation. There are those, like the gentleman who has just preceded me, who believe that the public lands of the United States are to be considered solely as an asset of the Government; that we should treat them as a private proprietor would and obtain the utmost possible revenue out of them for the benefit of the Federal Treasury. If we follow that theory, of course the gentleman from North Carolina is correct. Fortunately we have adopted a different policy in all the history of our public-land legislation since the beginning of this Government. We have given away 140,000,000 acres of the public domain under the homestead law merely on condition that the entryman go upon the land and make a home. We have acted upon the theory that freeholders make better citizens than tenants. We have treated the public domain as a trust estate held for the benefit of those entitled to enter it, and that it should be so disposed of as to carry the greatest comfort and the maximum happiness to the greatest number of people.

As a consequence of this wise policy we have the most stable government in the world to-day. If there had been a homestead law in Mexico there would be no landless peons to engage in revolutions. Thomas H. Benton, of Missouri, stated the true doctrine when he said:

The freeholder is the natural supporter of a free government. We are a Republic, and we wish to continue so; then multiply the class of freeholders, pass the public lands cheaply and easily into the hands of the people, sell for a reasonable price to those who are able to pay, and give without price to those who are not.

We have not only given away these millions of acres under the homestead laws, but we have donated other millions of acres to railroad companies to promote the construction of transcontinental lines.

If we can dispose of public land without price on behalf of the general welfare, then we can use the proceeds from the sale of such land in the same way; that is to say, we can consider all money obtained in this manner as the private purse of the Nation and use it for the public good.

For years we have devoted a part of the receipts from the sale of public lands to the support of agricultural colleges in the different States. Since 1902 the remainder of this money has been set aside as a reclamation fund to develop the arid West. If the money received from the sales of public lands now goes into the reclamation fund, certainly we can not logically refuse to place in the same fund moneys received from the rentals of public lands. The theory is the same in both cases and the use of the money in this way can be amply justified.

Why did we create the reclamation fund? In order that large areas of the public lands in the West might be irrigated, thereby making homes for thousands of our citizens. The reclamation law is based on the same theory as the homestead law and merits our support for the same reasons.

Now, let us look at the other extreme view on this question.

At their conference at Denver on April 9, 1914, the governors of the States of Utah, Nevada, Colorado, Washington, Oregon, Idaho, Wyoming, New Mexico, and North Dakota adopted the following resolution:

Whereas Congress has declared the water of all lakes, rivers, and other sources of water supply upon the public lands, and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes, we insist the Federal Government has no authority to exercise control over the water of a State through ownership of public lands:

Resolved, We maintain the waters of a State belong to the people of the State, and that the State should be left free to develop water-power possibilities and receive fully the revenues and other benefits derived from said developments.

In a memorandum submitted by the western governors to the Committee on the Public Lands this statement is made:

But the States can not surrender the principle involved in the declaration of their governors. To do so would be to acknowledge their inequality with the original States in opposition to the equality guaranteed by the Constitution and by the acts of their admission; it would be to surrender without consideration one of their greatest resources; it would be to admit the right of the Federal Government to tax their resources and their people for the benefit of the whole Nation, when the people of other States are not likewise taxed.

The western governors insist that since the States own the water which the United States proposes to use to generate electric power Congress should let this land pass into private ownership, in order that the States may tax these power plants and obtain revenue for the maintenance of the State governments. By State control of the use of the water they have the ability to regulate the charges made for hydroelectric power.

With such divergent views a compromise is absolutely necessary. In discussing the attitude of the western governors, the Secretary of the Interior said at the hearings:

Then they said: "You want to exploit the West on behalf of the East, and make the West support the East. Here we have an internal State, without any seaboard, paying for a large Navy and for the support of the Army, and carrying on large expenditures in which we have no direct interest. Yet you come right into our State, where we have water power, or coal, or oil, and want to take that wealth away from the State and lodge it in the United States Treasury. Those are the things we will not stand for; we will not stand for the enriching of the East at the expense of the West."

We have met that. We have met that by allowing all of the money to be used for the development of the West, and when it is returned from the reclamation fund one-half is to go directly into the treasury of the State.

And so we have agreed upon this section, which is satisfactory to all concerned.

The conservationists who are interested in this legislation are satisfied, because the question of regulation appeals to them. This bill provides for Federal or State regulation of the use of all water power on the public domain. That is the big thing that they are concerned about. They consider the revenue that may be received to be a minor matter. The people of the West will be satisfied because we propose to follow the precedent established in dividing the money received from the national forests.

The forest reserves being Federal property, the States can not levy taxes on the lands or the timber. The law now provides that 35 per cent of the net receipts from the forests shall go to the State in lieu of taxes for the support of public schools and public roads. We have new and growing communities which require money. If we let the title to these power sites remain forever in the Federal Government and the States are not permitted to tax the values that will be created, how can you expect us to have great States as you have here in the East? The Western States are entitled to some revenue from these lands to support their governments. Remember that all money received from rentals does not go to the States. For 20 years it is to be used in the reclamation of arid lands, and after that the money is divided—one half to the State for school and road purposes and the other half to remain permanently in the reclamation fund. Thus we have compromised this question between these two radical schools of thought, and unless we do agree to this compromise I am confident we will never obtain any water-power development on the public domain. Those who have stood on both sides of the question have agreed upon this legislation. It is fair and just to all concerned, and I sincerely hope that the amendment offered by the gentleman from North Carolina will not prevail.

Mr. MONDELL. Mr. Chairman, I hope the amendment offered by the gentleman from North Carolina [Mr. PAGE] will not prevail; but nevertheless the provisions of the bill will be a little difficult for men from the public-land States to defend. I had hoped, before the amendment of the gentleman from North Carolina was offered, to get an opportunity to offer an amendment relating to the character of these charges to be laid on these enterprises, but that opportunity was denied me. If the amendment offered by the gentleman from North Carolina does not carry, I propose to offer an amendment to this particular provision relating to the distribution of the funds, as well as one relating to the character of the charges. The gentleman from North Carolina argues from a curious and exceedingly old-fashioned standpoint. There has not been a time since we made the distribution of public-land funds, to which the gentleman from South Dakota [Mr. BURKE] called attention, that we have not considered proceeds from the sale of public lands other than as a general improvement fund, and in 1902 we dedicated all the proceeds from the sale of public lands into the reclamation fund.

Mr. PAYNE. Will the gentleman allow me?

Mr. MONDELL. Certainly.

Mr. PAYNE. The gentleman has not lost sight of the fact that it is all to come back from the sale of public lands, from the reclamation of the lands, has he?

Mr. MONDELL. Oh, no; I have not.

Mr. PAYNE. That was the agreement at the time.

Mr. MONDELL. I have not lost sight of that, and I do not think anyone else has—that it has to be returned in the long run. They are not like river and harbor funds, a large portion of which are sunk in bogs and quagmires along the coast that never can be utilized for commerce, and some of them spent on rivers in Texas that ought to be macadamized rather than dredged.

Mr. PAGE of North Carolina. Will the gentleman permit?

Mr. MONDELL. I will.

Mr. PAGE of North Carolina. Is it not possible, from the gentleman's point of view, that any part of this reclamation fund has been sunk in bogs and quagmires that will not get back into the National Treasury?

Mr. MONDELL. I do not think so to any appreciable extent. As far as they have been spent a greater proportion of it will be paid back beyond question, and it is entirely proper. It is in accordance with the time-honored policy of all parties, let me say to my friend, to utilize the proceeds of the sale of public lands, not as a general fund in the Treasury, but as a fund to be dedicated for development purposes, or to be returned, a part of it, to the State, as ought to be done in this case, in lieu of the taxes which they would otherwise receive.

Mr. PAGE of North Carolina. The gentleman does not overlook the fact that in all of these public-land States of the West a certain number of sections of public lands were donated to the States in former times. Is not that true?

Mr. MONDELL. Oh, that is true, and very properly so. We are simply following now the policy which was laid down a good many years ago, and never departed from by anybody of any party, so far as the proceeds of public lands were concerned, by dedicating them, except the 5 per cent which goes to the State in lieu of taxes, to great works of improvement. In 1902 we dedicated them for the purpose of increasing the cultivated area of the country, and thus the output of agricultural products, and thus reducing the high cost of living.

The gentleman's party claims to be anxious to reduce the cost of living, and yet the gentleman offers an amendment which takes away from the fund which more than any other fund under the flag has to do with the reduction of the cost of living by increasing the amount of foodstuffs in the country. The gentleman is not logical. He is a member of the Committee on Appropriations, of which I am also a member, and he is getting the Appropriation Committee view of things to an extent that has somewhat, it seems to me, drawn him away from his former reasonable and proper moorings as a Democrat and led him to insist that we shall take the proceeds of these lands out in the Western States and utilize them in far-distant portions of the country.

Mr. PAGE of North Carolina. Will the gentleman permit?

Mr. MONDELL. I will.

Mr. PAGE of North Carolina. "The gentleman from North Carolina" may, in the mind of the gentleman from Wyoming, be illogical in the position he has taken, but "the gentleman from North Carolina" can address himself to a subject of this kind without injecting into it partisan politics, while the gentleman from Wyoming seems unable to discuss any question without the injection of politics.

Mr. MONDELL. Quite the contrary. I have injected no partisan politics. I have called attention to the fact that there is no partisan politics in it. I have called attention to the fact that it has been the policy of all parties, Republican and Democratic alike, to utilize these proceeds from the sale and disposition of public lands for purposes for which this bill proposes to utilize them. The gentleman has departed from the policy of his party. It is not partisan on my part to chide the gentleman for departing from the pure principles of Democracy; that is not partisan.

Mr. PAGE of North Carolina. I would rather be chided by other gentlemen than the gentleman from Wyoming.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. BRYAN. Mr. Chairman, the proposition suggested by the gentleman from North Carolina [Mr. PAGE] is one of a good deal of interest, it is true; but the unfairness of the suggestion, I believe, can be illustrated from some of the remarks of the gentleman from North Carolina. He suggested that most of these rivers were within the States which were involved in the recent Adamson dam bill that we passed and that we had provided for a charge there. Now, most of the rivers involved in that case formed State lines and are boundaries between States,

and there is the difficulty as to charge involved. But while we were discussing that bill the gentleman from Alabama [Mr. UNDERWOOD] especially referred to North Carolina. He stated that a body of French capitalists, as I remember, had gone into that State and had established a dam site on one of the streams, which was temporarily nonnavigable, for the manufacture of aluminum, and that they had been told to go within the State and take those rights, because they would avoid the paying of any sum whatever into the National Treasury, as they might have to do in some other river over which the National Government had jurisdiction. So the matter of charge within the State of North Carolina is eliminated. They get nothing from the development of a stream there or a power plant put upon a stream within the State lines of North Carolina, and the Government gets nothing, and yet we of the West have to contribute and pay large sums of money, as has already been illustrated, for the building up and improving of the streams of North Carolina.

It was suggested all through the debate on the Adamson dam bill, and as to the charge which we succeeded in putting into the bill, that the money was to be used right there on the stream in the improving of navigation, and the navigation of this country is taken care of from the General Treasury, whereas these reclamation projects are taken care of from that particular reclamation fund. And I think the condition is analogous. I think the situation is practically the same on that particular point. I remember down in Louisiana, where the public domain was going and going, until it was all taken up by gentlemen from Michigan and gentlemen from Louisiana and gentlemen from other States. It was taken and absorbed, and now the Federal Government has nothing down there. But the State of Louisiana collects taxes from the lands.

In the State of North Carolina we have no interest whatever—that is, the Federal Government has not, except where we bought some public lands, as I understand—and the gentleman from North Carolina [Mr. PAGE] very graciously suggests that when we go into North Carolina and buy land, that then we acquire all these rights and we can do what we please with the revenues from the land that we buy. But that is a different situation from this public land to-day in the great West that has been heretofore given over to a great extent to the States when the States were admitted to the Union. And I think that from the standpoint of development, or from the standpoint of proper use of the money, the revenue produced under this bill ought to be used locally, and that the amendment ought not to prevail.

The gentleman said that he would rather give all of it to the State than to allow a portion of it to be taken. He thought it would be better policy to give it all over, and some one applauded the proposition. But we have not followed that kind of a policy. In other States all of it has gone. The Federal Government has nothing, but out there vast interests are held by the Government and these revenues ought to be spent locally as near as possible. The public has an interest in the coal lands of Pennsylvania to the extent of the right to tax those lands, but where does this public asset go? To the State as every one knows, and so in North Carolina and in every other State. This money that goes into the reclamation fund is only loaned. It will all come back, but it will be used to make agricultural lands out of arid lands. We are willing to submit to Federal control and ownership. We like it out West better than private ownership, but it is a narrow policy that begrudges us the use of a part of the money collected from the lands within our own States. No such policy ought to be suggested here or considered by this House.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close at 2.30 p. m., so that it will give us about an hour and seven minutes from now, one half of the time to be controlled by the gentleman from North Carolina [Mr. PAGE], the father of the amendment, and the other half by myself for the committee.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate on the pending amendment and all amendments thereto close at half past 2 o'clock, one-half of the time to be controlled by himself and one-half by the gentleman from North Carolina. Is there objection?

Mr. CLINE. Mr. Chairman, reserving the right to object, I have no objection to closing debate if I can have five minutes.

Mr. PAGE of North Carolina. I will yield to the gentleman if a portion of the time is placed at my hands.

Mr. MONDELL. Reserving the right to object, the gentleman makes his request with regard to this amendment and all amendments thereto. I sent an amendment to the Clerk's desk.

Mr. FERRIS. I was not trying to cut the gentleman out. I understood the gentleman had an amendment to the section.

Mr. MONDELL. I have an amendment to this particular part of the section. It is necessarily an amendment to this amendment, but if the Chair will not permit me to offer it that way, I want to offer it later.

Mr. FERRIS. I thought the gentleman had an amendment which came to the earlier part of this section, so that it is not an amendment to the amendment, but the gentleman is not precluded at all.

The CHAIRMAN. Is there objection?

Mr. MANN. Make it a little less, and have more time on the other.

Mr. FERRIS. It is suggested that we make it 2 o'clock instead of 2.15.

Mr. PAGE of North Carolina. That would not give enough time.

Mr. FERRIS. Well, 2.15. I ask unanimous consent to modify the request to close the debate at 2.15.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate on the pending amendment and amendments thereto close at 2.15 p. m., one-half the time to be controlled by the gentleman from Oklahoma and one-half by the gentleman from North Carolina [Mr. PAGE]. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. RAKER].

The CHAIRMAN. The gentleman from California [Mr. RAKER] is recognized for 10 minutes.

Mr. FERRIS. Mr. Chairman, I ask leave to modify that and yield seven minutes to the gentleman.

The CHAIRMAN. Without objection, the gentleman from California will be recognized for seven minutes.

Mr. RAKER. Mr. Chairman, as has been said many times by other committees in the House, the Committee on the Public Lands has given this matter full consideration, and it ought not to be amended. Every member of the Committee on the Public Lands, irrespective of his political faith, after going over this matter, believes that it ought to go as is provided in the bill.

There seems to be some difference of opinion as to the disposition of the public lands. In other words, some Members view them as an asset of the Government solely to make money upon, and some men believe—and I do not believe that they have gone into the matter fully, because otherwise they would not take it that way—that they are really doing something for their districts or their States and accomplishing something in Congress if they can reach out to the public-land States and say they have turned over or compelled those communities to turn over their life and existence to the General Government to be generally distributed.

We ought to recognize that practically all of this domain in the West was obtained by acquisition long after the adoption of the Constitution, and it was practically never thought of at that time that we should get such a domain as this. We have added repeatedly new States, and we have defined their territorial boundaries, and we have practically said that they should be developed. We have continued the homestead law and the desert-land law, and it was never intended that there should be a fund made out of the public lands for the sole purpose of accumulating funds for the National Treasury with which to keep up its expenses. There can not be any idea that could be arranged from any viewpoint, if we look at the intention of building up separate and independent sovereign States, that they might have the benefit of the soil of those communities and those States and that their country might be properly built up. Take every Eastern State. With every acre you develop you advance your State; and if you place in private ownership the public lands of the West, so as not to be monopolistic, you are going to advance each State and in turn advance the General Government.

The question now comes up, how best to do it. For the past 40 years we have been giving homesteads, preemptions, timber-culture claims, desert-land claims, and other kinds of claims, to the end that this country in the West might be developed. It has been developing very rapidly; but there has been a changed policy now, and many have said that we are going to reserve great territories for future generations. They have said that we are not going to use it now. We want to close it up from use and reserve it.

It was never the intention to do that originally, I believe, and now the purpose is to relieve these reserves and throw them open in proper shape, so that they may be utilized to the fullest extent—the land, the minerals, and the water power. There is a demand that a law should be passed to make it possible that every acre of land and every particle of mineral and every

drop of water shall be utilized, and that there shall be no monopoly while that is being done.

The question now arises, What are you going to do with the value of these water powers and the minerals and the land? Why, every tract of land reserved prevents the State and the county from accumulating and raising taxes to build up the rest of the community. The many roads that have to be built, the schoolhouses, the general improvements, are to be built with funds which come from the exercise of the taxing power of the State and county, from privately owned lands, to the end that that community and that State may be developed. But you reserve half of it, and sometimes two-thirds of it, and thereby reduce the taxing power that much. This bill provides and the purpose of it is that, instead of a sale, there is to be a lease. We want development.

The CHAIRMAN (Mr. HAY). The time of the gentleman from California has expired.

Mr. PAGE of North Carolina. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. CLINE].

The CHAIRMAN. The gentleman from Indiana [Mr. CLINE] is recognized for five minutes.

Mr. CLINE. Mr. Chairman, I am opposed to the scheme of distribution of revenue derived from taxation imposed upon the development of water power in this section of the bill. I am opposed to it on broad, economic grounds. Every dollar of revenue derived from rates imposed upon corporations to develop hydroelectricity should go directly to the Federal Treasury. I am unable to understand why the machinery of the Government should be set in motion to collect taxes for local benefits to a single State.

Mr. MONDELL. Mr. Chairman, will the gentleman yield there?

Mr. CLINE. I regret I can not. I have only five minutes. In the discussion of this bill and in the one that preceded it, much contention was had over the relative rights of the Federal and State Government under the Constitution. Much of this discussion was restricted and narrowed to the right of the Federal Government in navigable streams and their producing power possibilities, as though the subject of navigation was comprehensive of the whole power of the Federal Government. Navigation is but an incident of its power under the commerce clause of the Constitution, and the question ought to be examined not with reference to the question of the rights of the State and Federal Government in the waters of the State from a navigable or unnavigable standpoint; but in the generation of power that affects the industries of the State and find their way into interstate commerce. Viewed from that standpoint the power the Federal Government over hydroelectric force assumes almost mammoth proportions and the power of a State loses its importance as a factor in dealing with the question. Gentlemen ask where the authority lies for the Federal Government to go into a stream and develop water power where the stream lies within the State. So long as the stream does not become a means of interstate commerce, it probably has no power. But when the rapids in a mountain stream, wholly intrastate, becomes a means to produce trade and commerce in other States, then the management of that power merges into the realm of Federal control, and the States as such lose their significance.

I am not concerned in the location of the streams. Nor am I concerned with the proposition whether it is a navigable or non-navigable stream. I am concerned only with this proposition: How far will the water in these rapids affect commerce? The United States does not presume to own the waters nor deprive the States of their use for navigation, irrigation, or other purposes. But the Federal Government does say that when you turn the water through the flumes and into the penstocks of great corporations that create power, then the power of the Federal Government intervenes and becomes supreme.

When the water power is developed so that it affects interstate commerce, then it becomes absolutely and unconditionally a matter of Federal jurisdiction, and the right to assess the parties who develop these natural resources is such a right as makes it necessary that the revenues derived therefrom ought to go into the Federal Treasury.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. CLINE. I am sorry I have not the time. Otherwise I would be glad to yield.

The whole problem rises out of the narrow boundaries of a State into the broad sphere of Federal control. Men discuss this subject as though the Federal Government was subordinate in power to that of a State. The sovereignty of the Federal Government is as ample, complete, and plenary within its constitutional sphere as the individual State is in its. When the State came into the union it surrendered to the Federal Government

its sovereignty absolutely over interstate commerce. Gentlemen of the committee say the Federal Government is one of delegated powers, and it is to be inferred from that expression that they mean one of restricted and limited powers. It is admitted that the Federal Government is one of expressed powers, not one of expressly defined and limited powers, but one sufficiently elastic to meet the growing demands of an expanding commerce.

The Federal Government is one of expressed powers in which are resident all those involved powers necessary to make the expressed powers effective for the accomplishment of the purposes for which they were delegated. Gentlemen ask where the power of the Federal Government is designated in the Constitution that authorizes it to invade the limits of the State and take charge of the development of its local water power. Chief Justice Marshall said, in *Fourth Wheaton*, page 316, speaking of the Constitution:

Its nature, therefore, requires that only the great outline be marked, its important objects be designated, and the minor ingredients which compose these objects be deduced from the nature of the objects themselves.

Justice Harlan, in *One hundred and eighty-eighth United States Reports*, page 356, said, in amplifying the statement of Justice Marshall that the objects must be deduced from the ingredients which compose them, in reference to the commerce clause:

The power which Congress possesses to regulate commerce among the States is plenary, is complete in itself, and is subject to no limitations except such as may be found in the Constitution.

And, further, in *Levy v. United States* (177 U. S., 621):

The power of Congress to regulate the navigable waters of the United States is an incidental power to the expressed power to regulate commerce.

When that question arises the States are precluded from exercising concurrent or independent jurisdiction where the problem of interstate commerce is involved.

Judge Shiras said, in the *One hundred and thirty-fifth United States Reports*, page 109, that there "were three conditions under which the authority of the Federal Government is supreme":

First, when the power is lodged exclusively in the Constitution.

Second, when the power is given to the United States and prohibited to the State.

Third, when from the very nature and subject of the power it must necessarily be exercised by the National Government exclusively.

The Federal Government will not open its door to the vexatious complications that are bound to arise in a divided empire of its jurisdiction. It would be the means of destroying its own sovereignty if it did, and it will not be shorn of any of those auxiliary agencies that make for the complete manifestation of its power. Much of this discussion has proceeded on the assumption that the power of the Federal Government and the State government were coordinated in the development of power. Viewed from the standpoint of the commerce clause, there is no possibility of such coordination, and when the Federal Government assumed authority under that clause, whether it is a navigable stream or nonnavigable one, a water-power site that turns the wheels of industry that makes for commerce is relieved of all restrictions sought to be imposed by State regulation. It was said in the *Kansas-Colorado* case that even in a nonnavigable stream had the Federal Government sought to intervene in the interest of navigation it would not have been demurred out of court. That was upon the principle that its jurisdiction to promote and protect navigation extended to the very source of such stream. What does the jurisdiction of the Federal Government mean if it may not actually possess itself of those physical agencies to protect and promote navigation? If that right extends to navigation, a mere subordinate item or element in the vast field of interstate commerce, what can be said of the whole comprehensive subject when its ramifications are as numerous as the industries of the people? Gradually we are discovering the sweeping extent of the doctrine of rational conservation. My friend from Minnesota [Mr. MILLER] said that the doctrine declared in the noted *Chandler-Dunbar* case (220 U. S.) was an announcement when the United States saw fit to take a river or stream possible of improvement for navigable purposes and oust the State as a riparian owner it could do so.

But that was not the doctrine that was declared in that case. That doctrine had been announced for nearly a hundred years, in *Gibbons against Ogden*, upon which the whole superstructure of Federal authority has since been builded. What the court did say in the *Chandler-Dunbar* case was that no corporation or man who owned the fast land bordering upon a rapids in an undeveloped stream had any property rights in its potentiality that the Government was bound to pay for when it sought to improve the stream for navigation purposes. That was the new doctrine, and the old feudalistic doctrine of riparian ownership was completely exploded. That decision, which, by the

way, was unanimous, speaks the sentiment created by the evolution of rational conservation; that the potential power hidden in the rapids of the St. Marys River belonged to the whole people and not to the man who merely chanced to locate upon the fast land which bordered it. It was in response to the evolution of the new doctrine of economics that there is no private, personal interest that ought to be recognized as exclusive in the great natural resources that can subordinate the rights of all the people. It is a rational doctrine that nature's bounties, deposited and created to ameliorate the conditions of all the people, should not become the wealth of one man or set of men to be exploited for their personal, private benefit. Every element of natural wealth which this twentieth-century civilization has made valuable, and which was unquestionably designed to belong to the whole people, ought to be contributing either a tax or a bounty to the Federal Government. Had we known 25 years ago what we know now, would not the great ore belt, containing, in many instances, 98 per cent pure iron; the fields of copper in the Heckley and Calumet region; the anthracite mountains in Pennsylvania; and the lakes of oil and gas hidden under the earth be contributing their portion to the maintenance of the Federal Government? In this war of conflagration involving the whole Caucasian race except ourselves we are casting about for new sources of revenue to meet a depleted Treasury caused by invasion of foreign commerce.

The Morgans, the Carnegies, and the Rogerses gather into their personal possession and to their private ownership the coal and oil and copper and iron that nature has scattered in its limitless abundance for the benefit of all the people. These great sources of revenue have slipped out of our possession as the trustees of the people and left Congress to rebuke itself for its folly. I may pause long enough here to say that the chief merit in the expenditure of \$35,000,000 in the development of agricultural Alaska will lie in the proposition that we propose to tax the men who dig the coal in that Territory to pay a revenue to the Federal Government. This bill proposes to engraft upon the country a new system, one that shall set the Federal forces at work to develop commerce; that shall create an officeholding class at the expense of the Federal Government and then turn the profit back into the coffers of the State in which the enterprise is located. Whether there is any constitutional authority for it or not, there can be no question but what it is an inequitable and unjust system. It is not only questioned now, but it always will be doubted whether the Federal power can take money out of the pockets of every citizen to develop in Colorado or Montana any enterprise purely local and turn the proceeds thereof back to its treasury without rendering to the general public any compensation. Gentlemen say that when this fund, in the far-off future sometime, is returned to the reclamation fund, 50 per cent of it shall go back to the Federal Treasury. But the practical results of such a scheme are as visionary as a dream. In the development, protection, and promotion of the Nation's business the expenses are leaping up yearly by the millions. Not only must we have new sources of revenue, but we should apply those material sources of wealth in which a great nationality, with its high purposes, its great civilization, has invested with immense unearned increments of wealth. The *Chandler-Dunbar* case is a guide now for the future. It recognizes that large and more complete ownership of natural wealth be vested in the people themselves.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield five minutes to the gentleman from New Mexico [Mr. FERGUSON].

Mr. FERGUSON. Mr. Chairman and gentlemen, I doubt the wisdom of legislating too far ahead as to the disposition of taxes. This proposition should not be confused. The gentleman from North Carolina [Mr. PAGE] did not so state, but I am afraid the impression is made on the minds of the Members of this House that it is proposed by this bill that from the beginning half the proceeds derived from the leasing of these water powers are to be paid into the treasury of the State in which the plant is located. As a matter of fact, it is provided that for 20 years all the proceeds shall be devoted to the extension, wider and wider, of this reclamation of land that is now reserved from all entry at all, and that is bound to stay so, because we recognize that the principle of conservation has come to stay. Such land is withdrawn from local taxation for all time. This merely proposes that for 20 years the proceeds from the leases by the Government shall be used by the Government for further extension of the same system of reclaiming land now withdrawn by the Government and at present absolutely useless for the settlement of our States in the West. The gentleman from North Carolina is a Member of experience and ability, and he is held in high esteem by all, and I fear that he has created an erroneous impression in the minds

of Members. I feel that a member who has as much ability and influence as the gentleman has should consider the justice of leaving this as it is for 20 years. The bill provides that at the end of that time one-half the proceeds shall be paid into the treasuries of the respective States. I suggest to him that that is just and right, because under this policy of conservation all of this immense domain, or a large part of it, is withdrawn forever from local taxation, and for that reason can not help to support the State. There can be no doubt about that. So that it is just that the States 20 years from now may have half the proceeds of these rentals in lieu of the right of taxation they would have had if it were possible to settle up the great arid West as the other parts of the United States were settled up, where everything is subject to State taxation.

In the semiarid West we are to be deprived of that for all time. So that it is the intention of this bill to use these proceeds for 20 years to provide the possibility of getting homes for hungry people from the gentleman's State and from other States. Under this expenditure they can come West and make homes. Good, honest American citizens who are not rich but, on the contrary, many of them very poor, are looking for homes. It can only be done with the help of the Government in properly using this great area now reserved from such entry.

In conclusion, Mr. Chairman, stating it very briefly, I urge you to consider the fact that we are not asking anything as a gratuity when we ask that, after 20 years have elapsed from the starting of these hydroelectric power projects, half the proceeds shall then begin to be paid to the States in lieu of the loss of taxation which nonarid States have on all the property within their borders. It is only just that we should have something in lieu of the loss of the taxes on property within their respective borders. Under the gentleman's amendment we shall suffer the hardship of having the development of these lands cut off.

I respectfully submit to the House that if we are driven to that necessity, it is no more than just to leave it as it is now, and let future Congresses 20 years from now determine the question of how the proceeds derived from these sources shall be used. There will be statesmen then and there will be new conditions to be met. Why legislate 20 years ahead? [Applause.]

The CHAIRMAN. The gentleman's time has expired.

Mr. PAGE of North Carolina. Will the gentleman from Oklahoma use some of his time now?

Mr. FERRIS. I yield two minutes to the gentleman from Colorado [Mr. SELDOMRIDGE].

Mr. SELDOMRIDGE. Mr. Chairman, in the very limited time given me I can only say that the amendment which has been proposed, to place in the Federal Treasury the proceeds of royalties from water-power projects, would seriously interfere with their development and arouse antagonism to their operations. Something has been said in the debate about the feeling of hostility that has been created in the public-land States against the encroachments of Federal power and that the minds of the people have been prejudiced against the Government by reason of their contact with bureaucratic officials. Mr. Chairman, I believe that the officials of the Government should develop a sympathetic relationship with the people of the Western States. They can do so by assisting in every way all means used to develop our public lands and bring them into a state of production. It seems to me the Government should manifest a friendly disposition toward our people, and this can be demonstrated by its willingness to turn back into the treasuries of the respective States the proceeds which it derives from their efforts, and thus encourage them to further industry and further development.

The success of the leasing policy proposed in this and other bills now before the House in a large measure depends upon the hearty cooperation of the people living in the respective States and the Federal Government. If the people believe that the natural resources of their States are to be exploited by the Government and the fruits of such exploitation are to be shared by States whose resources are absolutely divorced from Federal control and regulation, there will naturally arise a feeling of enmity toward the Government and against other sections of the country, which would be generally deplored. The Government is merely providing an undeveloped power site by the provisions of this bill. The other elements of value are to be supplied by the State by the use of its water and by the people in creating a market for the power. Why should the Government assume the right to take all the proceeds from royalties and allow no portion to other sources of value such as I have mentioned? There should be the heartiest association of interest and effort in this legislation if it is to become a fixed policy. This can only be brought about by assuring the people who are to be directly affected of the intention of the Government to assist them in every way to develop and conserve their local

resources and not to exploit them for the benefit of other sections and States. No better assurance can be given of this purpose by the Government than to put into law the provision of this bill which sets aside the proceeds from rentals and royalties to be used as a part of the great reclamation fund, which has become one of the most productive agencies of the Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAGE of North Carolina. I yield five minutes to the gentleman from Mississippi [Mr. Sisson].

Mr. Sisson. Mr. Chairman, it seems to me this matter is a simple one, provided we keep in mind always the distinction between that which belongs to the States and that which belongs to the Federal Government. Unquestionably, all the moneys coming from the proceeds of the sale of public lands ought to go into the Public Treasury. That proposition will not be denied. Another proposition equally true is that where the improvement has been made by money paid out of the Federal Treasury for the development of water power, which is an incident to the development of navigation, all of the proceeds of the money paid for the power thus developed, being derived from the investment of Federal money, is Federal revenue and should go into the Federal Treasury. It is our duty to see that the Federal Government gets that which belongs to the Federal Government and that it be not deflected from the Federal Treasury into another source.

As to what the Federal Government may do with money paid into the Treasury as miscellaneous receipts is a question for Congress, and should at all times be under the immediate control of Congress; and if Congress sees fit to spend the money for the further development of these projects in the great West, then Congress can easily do it. By putting it into the Federal Treasury at this time under this amendment would leave it absolutely within the control of Congress to dispose of the revenue as it sees fit and proper. Under this bill as written you fix a policy for 20 years, irrespective of how it may operate 5 or 6 or 7 or 8 years from now. You will have incurred obligations under the bill which it might not be proper for Congress to change, although it might be best for the country that the change should be made. Now, in order that it may not be complicated in some manner which we can not foresee it is infinitely better to adopt this amendment offered by the gentleman from North Carolina and have the money put into the Treasury to the credit of miscellaneous receipts. We thereby keep a check on what is going on.

I believe the conservation of the public domain ought to have begun many years ago. I think the West to-day is suffering more from the great land monopoly, more from the great land grants under a policy adopted when they believed that land would always be plentiful, than from any other source. The speculation in land and the ruthless manner in which the public domain has been taken up by a few men is to-day shackling the development of that country.

It will not be contended here successfully nor will Congress ever adopt the policy that these lands and property of the West may not, at the proper time, be taken up by honest, bona fide citizens who expect to make a livelihood off their land. And these men who have speculated and extorted millions from the men who came from the East—these men, under the policy being enforced now, will be compelled to show some bona fide citizenship, some good intention, before they can get a part of the public domain. For this reason, Mr. Chairman, I believe that this amendment should be adopted, because Congress is in a position to better control the funds than if we adopt the bill as written. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. FERRIS. Mr. Chairman, I yield to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman, I sincerely hope the Members from the East and the South will not delude themselves with dreams as to the possibility of great revenue flowing into the United States Treasury as the result of any amendment which is proposed. I hope, also, that the western Members who have come finally to believe that this bill, without the Page amendment, will bring great sums to the reclamation funds may not be disappointed. But for this clause I believe they would all be against this bill. It will create more bureaus, more overhead charges, and more governmental agents and employees. Some ardent supporters of this bill seem to think that, once it is passed, all the Government will have to do will be to sign some leases and that thousands upon thousands of unused electrical energy will begin to turn wheels and make things hum out West. If in the State of Washington a 10 per cent revenue from the sale of timber permits the Government to

build roads in the reserves of that State at the rate of 1 mile for every 1,000,000 acres, you may rest assured that the profits that will be developed for the United States from water power on the public domain in 11 Western States will not be enough to pay for the paper upon which the books are kept. [Laughter and applause.] The amendment of the gentleman from North Carolina [Mr. PAGE], if adopted, would simply make a bad proposition worse.

Mr. FERRIS. Mr. Chairman, I yield to the gentleman from Montana.

Mr. EVANS. Mr. Chairman, I sincerely hope that the amendment offered by the gentleman from North Carolina [Mr. PAGE] will not prevail. The bill as it came from the committee and as it now stands provides that the rentals derived from leases of the public domain on which is generated hydroelectric power shall be paid to the reclamation fund for a period of 20 years, there to be used in the reclamation of lands in the great arid West. At the expiration of the said 20 years this bill provides that one-half of the proceeds derived from such leases shall be paid to the various States in which the power is generated, to be used for school funds or other State improvements, as directed by the several legislatures thereof. The amendment under consideration provides that the revenue derived from the lease of these lands shall be paid direct to the Federal Treasury.

Personally I think it makes but little difference where these revenues go, because, in my judgment, the amount will be very small. But I do believe that revenue derived from power generated exclusively in a State should be used for the benefit of that State.

There are in this House and in this country two distinct schools of thought on this question, one of them maintaining that every power site should go into private ownership, so that private capital may develop it; the other is that no power site should be owned by a private individual, but should be retained by the Federal Government and leased to the individual for a term of years. In my opinion, many who maintain this latter view have attempted to make the term of years so short in this bill as to practically nullify its operation.

There is no doubt that the people of this country believe in conservation, but they do not believe in a system of conservation which means tying up the resources of all that great western country. They believe in conservation that will allow the natural resources to be developed, so that homes may be built for a land-hungry people and that we may produce our quota of the food supply of the world.

This is not a partisan question. The principle incorporated in this bill is advocated by ex-Secretary of the Interior Fisher and ex-Secretary of the Interior Garfield—one a Republican, the other a Progressive—and by the present Secretary Lane, a Democrat. I regret to note that nearly everyone who has advocated this amendment has adverted to the fact that a few days ago this House passed a bill extending the payments on reclamation projects for a period of 10 years, and have commented rather caustically that this extension was made without demanding from the settlers interest on such deferred payments. And that is used as an argument to prove that the money now derived from power plants should be turned into the Federal Treasury. I recall very distinctly with what tenacity the gentleman from Illinois [Mr. MANN] and his colleague [Mr. MADDEN] clung to and fought for that policy. They argued that the moneys derived from the public lands belonged to the Federal Treasury; and that if the same was to be used by a portion of the people for the improvement of their lands, they should pay interest on the same. I believed then and I believe now these gentlemen were mistaken. A considerable portion of the money appropriated in the rivers and harbors bill is used for the protection of lands along the rivers of the country. Nobody has suggested that because these people derived a benefit from these moneys that they should pay interest on the same.

The suggestion has repeatedly been made upon this floor during this discussion that the great arid West is asking too much from this Congress. It is true that about \$80,000,000 have been appropriated to date for the reclamation of arid lands. But let us compare that for a moment with the amount appropriated for rivers and harbors. The bill as passed this House last February for the latter purpose carried more than \$45,000,000, and as reported to the Senate now carries \$55,000,000. Though I have not the figures before me, I venture the statement that in the last 40 years ten times as much money has been appropriated for rivers and harbors as has been appropriated for the reclamation of the arid lands of the West.

We of the West are not looking for charity. We think the Federal Government has the right to do as it pleases with its own, so far as the public domain is concerned. We do not be-

lieve, however, that this Congress should be so shortsighted as to cripple those States by taking from them the revenues of any of their resources, as provided for in this bill, to be used somewhere else by the Government. I think you men from the East and South do not realize that a large percentage of our lands are now withdrawn from public entry or disposal of any kind. These lands are not permitted to bear their share of the taxes of the several States in which they are located. Coal lands, phosphate lands, oil lands, timberlands, water-power sites—all withdrawn. It is therefore no wonder that the people of the West have from time to time resented the methods pursued in the administration of the remaining public lands.

This bill and all the other conservation bills now before Congress should be promptly passed that these great States may go on with reasonable development. Surely no one can doubt the patriotism of the present Secretary of the Interior. He is an ardent advocate of this bill in its present form; he is a tireless worker for the development of the western country. He knows that in its development he is working not alone for that section of the country, but for all the country. The West has great resources and far-reaching possibilities, but it is as yet undeveloped, and must remain undeveloped so long as its natural resources are withdrawn and no legislation enacted to permit the development thereof.

There is no more interesting question now confronting the American people, no question that demands the best thought of the most profound statesmen of the country, than the question of increasing the food supply of the Nation, and thereby beating down the price of the necessities of life. To adopt this amendment would of necessity tend to retard the development of arid lands that require irrigation. A very large proportion of the lands of the country susceptible of cultivation without irrigation is now being utilized. The increase in new food-producing lands must largely come from irrigated lands situated in the 11 Western States; and we who know that country believe that you gentlemen who are pursuing a course which would tend to retard that work are adopting a short-sighted policy.

No conflict should arise between the Federal and State Governments on this question, but only the heartiest cooperation and concord. Likewise, there should be no sectionalism. The western men have voted for your appropriations for rivers and harbors, and yet they do not use a dollar of the money. They believe it is a great national problem that is to be met, and we think that you in turn should give us your support ungrudgingly for a fair and equitable treatment of the great, bounding West.

Let me cite just one instance in an effort to vindicate my views for the urgent necessity for the passage of this bill. Fifty miles from where I live lies the great Flathead Lake, the largest body of fresh water west of the Great Lakes. At the foot of this lake are many falls. Engineers have estimated that when the power is developed along these falls it will produce anywhere from 100,000 to 200,000 horsepower. It is said to be the finest undeveloped water-power site in America. And it lies idle and the water continues to run to the sea unused. The Government of the United States expended \$80,000 initiating the development of power here. They then ascertained that they had no law under which to proceed with the development. They likewise found they had no authority to allow private individuals to proceed. And thus the matter stands. Only a distance of 2 or 3 miles separates these falls from the beautiful, progressive town of Polson, with a score of other thriving towns in a radius of 40 or 50 miles, with two transcontinental railroads which, no doubt, would use current for transporting their trains through the mountains. The power is there, and all it needs is the opportunity to develop it. It is therefore imperative that this or some similar bill be passed, not, of course, for this particular project, but for many projects lying undeveloped on the public domain of the great Rocky Mountain States. And we earnestly insist that when the bill is passed it be passed in such form as to do justice to the States whose resources are to such a large extent now withdrawn from development, devoid of the opportunity to bear their just share of taxation.

Mr. PAGE of North Carolina. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from North Carolina has consumed 11 minutes and the gentleman from Oklahoma 15 minutes.

Mr. PAGE of North Carolina. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Chairman, I am in favor of the Page amendment. The measure proposed by this committee is the inauguration, in my judgment, of a very dangerous policy. If

the policy proposed in this measure be inaugurated, it will not stop at water-power projects in devoting one-half of the proceeds to the use of the State. The next will be the coal, and next will be the oil, and nobody can approximate the amount that will be derived from these sources. Then will come timber, and so on down the line. Now, if we inaugurate the policy in this proposition, it will come back to confront and vex us in other propositions. New York, after a while, will claim one-half of the revenues collected at her port. Then Pennsylvania will claim her part. Then Massachusetts will want her part; and when you have once entered on a policy of that kind, these States have just as much right to make these claims as the States in the water-power belt. The result of it will be that other States will be claiming the same benefit from legislation for revenues collected from things within their States as these States are now seeking in this measure; and who is there that would attempt to predict where it will end and what the ultimate result will be? It may cause strife between States, and break up existing harmony.

This policy, if once inaugurated and started throughout the Union, will work injury instead of benefit to the States of the West, as well as the States in the central portion of the Union. This money should be paid into the Treasury, as is proposed by the Page amendment. Congress has always been liberal in dealing with Western States in the different improvements they have desired, and it will continue that liberality, but when these States come to Congress and claim that one-half of all the moneys derived from the water powers should be paid for reclamation purposes, for schools, or any other purpose, in their States, they are attempting to foist on the Government a policy that will be injurious to them in the end. Consequently I hope that the Page amendment will be adopted. If one-half of the coal in the public lands, if one-half of the oil or the timber is paid into the reclamation fund or other fund for the use of the State from which the fund is derived, the same privilege and same benefits will be claimed by other States from the public revenue derived from sources within their borders.

So the proposition as contained in this bill is a policy which, if inaugurated, will become a dangerous policy instead of a beneficial one. I hope the Page amendment will be adopted. [Applause.]

It is the duty of Congress to assist in the promotion of worthy objects of public advantage in the Western States, and it has, as every man well knows, responded to their requirements liberally. I am glad it has, because great possibilities are in the West, and the development of that great territory will solve some of the questions which now are requiring the best thought of the ablest minds in our country. In the near future vast arid regions now barren in that section will be producing grain in larger quantities than in any other part of the country. In making the plains productive the entire country is interested and ready to lend assistance, but adopting the policy proposed in this bill may arouse sectionalism, and if it should injury would result and this proposed development might be retarded. Better proceed as heretofore. This is the property of all the people, not of the people of the States alone in which they are located, and whatever is derived therefrom should be paid into the Public Treasury for the use of the entire country. [Applause.]

Mr. PAGE of North Carolina. Mr. Chairman, I yield the remainder of the time on this side to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, I hope this amendment will prevail. This bill provides that the rentals obtained from leases of the public domain for the generation of hydroelectric power shall be paid into the reclamation fund and thereafter one-half of the proceeds shall be paid over to the various States in which the power is generated for the school funds. Under the act creating the Reclamation Service the proceeds of the sales of public lands in the arid and semiarid States were dedicated to the reclamation fund. The provision in this bill, however, goes much further. It not only turns over half of the proceeds from the rentals after they have been used in the reclamation fund to the States for public-school systems in the arid and semiarid States, but it appropriates this money for the public-school systems of any public-land State, provided the power is generated in that State. All of the public-land States when admitted into the Union were granted sections 16 and 32 in every township to provide a public-school fund. The State of Oklahoma practically had no public lands and so in the organic act an appropriation of \$5,000,000 was made to provide a school fund. The State of Texas when it was admitted into the Union kept all of its public lands itself. The Federal Government did not get the public lands in Texas, and yet that

State would not be precluded under this provision from receiving the benefits of these rentals. The Congress at this session is providing for the development of water power or hydroelectric power by the utilization of water under two acts. One is this bill, by which hydroelectric power is to be developed by leases upon the public land, and it is proposed that the proceeds from such leases shall be disposed of in such a manner that one-half of them shall be permanently for the specific benefit of the public-land States.

In the other act, the general dam act, an entirely different policy is proposed. The House voted into that act a provision that where authority is given by the Federal Government for the erection of a dam on a navigable river so as to provide for the development of hydroelectric power the Federal Government shall charge for the permit given, and all of the proceeds obtained in that way shall go into the Federal Treasury as miscellaneous receipts. Take, for instance, what may happen in the State of New York. Suppose it was proposed to erect a dam on the Hudson River for the purpose of developing power so as to generate hydroelectric power. The Federal Government has certain control or rights in the Hudson River, because it is a navigable stream. The water in that river belongs to the State of New York. The only control the Federal Government has over it is to so regulate its use that the interests of navigation shall not be affected, and yet under the bill which passed the House if application be made to the Federal Government for authority to construct a dam, the purpose of which is to utilize the water to develop hydroelectric power, although the only right the Federal Government has is to see to it that the works erected will not in any way interfere with navigation, the Congress has provided that the consent of the Federal Government shall not be given unless there be fixed a charge, which is to be paid by those making application, and paid to the Federal Government, and that money turned into the Federal Treasury. Under this bill, however, if we grant a lease of any part of the public domain for the purpose of developing power, the proceeds are to be turned into the reclamation fund, and after having been used one-half is permanently appropriated for the support of the public-school system in that State.

This entire policy of making permanent appropriations of public funds is absolutely indefensible. All of the trouble, all of the wickedness that has developed in connection with the Reclamation Service, in my opinion, has come from the fact that Congress turned over the entire proceeds of the sales of the public lands in the arid and semiarid States to administrative officials, to be expended without any direct control or supervision by Congress. Seventy million dollars have already been expended and twenty million more are authorized to be advanced from the Treasury on certificates of indebtedness. We have passed legislation to extend for 10 years, without interest, the time within which payments should be made by settlers, but more vicious than all, more far-reaching in its effects than anything else, is the fact that the cost of putting water on the lands, which must eventually be paid by the settlers, has been increased probably from \$20 to \$40 per acre more than it would have been if the appropriations for reclamation projects had been kept under the control and supervision of Congress. The estimate of the Army and other engineers is that it will take from \$150,000,000 to \$200,000,000 to complete the reclamation projects already authorized and in the course of construction. More than \$70,000,000 have already been expended, and all there is in sight to meet this expenditure is \$8,000,000 or \$9,000,000 annually that will go into the reclamation fund. The result is that in order to complete these projects Congress will be compelled—there is no escape from it—to appropriate from the General Treasury annually additional moneys to those now obtained in the reclamation fund. They must be completed. That is inevitable. Anyone who has examined into the Reclamation Service and what it has been doing knows that it is absolutely necessary to call upon the General Treasury to supplement the proceeds of the reclamation fund. I regret my time is limited. I wish I could point out some unanswerable arguments against the policy proposed. The gentleman from North Carolina [Mr. PAGE] has covered some of the ground. This amendment should prevail.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FERRIS. Mr. Chairman, my State has never had one dollar of irrigation money spent within its borders, so I can speak entirely dispassionately upon this amendment. The gentleman from New York [Mr. FITZGERALD], the chairman of the Committee on Appropriations, would, if he could have his way, have every penny of Government expenditures brought in under his thumb and through his committee. That is natural. It is natural that he should want it, and it is natural that he should

try to acquire it and exact it. But there are other committees and other localities and other parts of the House that are entitled to a little consideration, and against the efforts of the gentleman to break down irrigation in this country, a thing that I do not think this Congress should do. I feel sure the House will go against his wishes to make this bill one of filching from the Western States—a burden, an onerous condition, almost more, I fear, than they can stand in their present sparsely settled condition. As against the views of the gentleman just expressed I will call to my aid a few authorities on the subject. Secretary Lane appeared before the Committee on the Public Lands when the hearings were had, and he was consulted on this proposition. Among other things, he said:

The money returned to the Federal Government is a matter of minor importance, so long as the maximum development of a given site at the lowest possible rates to consumers and the prevention of monopoly is obtained.

Does anyone doubt the patriotism of Secretary Lane? Does anyone doubt his efforts in the public interest? He has been a tireless worker for the western development, and in so doing he is working in the interest of all of us. This talk about doing too much for the West is not well said; in fact, it is poorly said. The West has great possibilities, but they are yet poor and are not able to support the whole Union. Now, just stop and think for a moment. There are two well-defined views in this House. One is that every power site ought to go into private ownership at once and let capital develop it, and let there go with it the onerous, hard, oppressive conditions that go with the development of power in the West, where it is already too greatly monopolized. The other view is to retain Federal control, to lease the water power for a term of years at reasonable rates, subject to careful regulation, as provided for in this bill. Now, that brings us to the third question, of what shall we do with the money, and that is this amendment. We passed the river and harbor bill, which as it passed the House carried \$45,000,000, and as reported from the Senate it carries \$55,000,000, to improve the rivers and harbors of the East, and the western Members all voted with you, and it passed practically by unanimous consent.

That is not all. That expenditure will never come back to the Federal Treasury. It was an outright appropriation, not a loan, as the irrigation fund is. All this bill asks to do is to let the West develop itself. All this bill asks to do is to let the water-power receipts for the present go on and irrigate the West. There is no more burning question in this country to-day than the increased production of food products and thereby beating down the price of food, and if gentlemen take it upon themselves to break down irrigation and break down the development of the West, they do a thing that will be heavy and hard for their party and the country. They ought not to do it. [Applause.] If it was right to pass the reclamation law in 1902, giving the proceeds from the sale of public lands to the West where we part with the fee, surely it is only an act of justice to give the proceeds from a lease and retain the fee in the Federal Government for the development of the West. The gentleman from South Dakota [Mr. BURKE], who is a clear-headed man, says that we do not give it to the West, but merely loan it as a mortgage, and every cent of it will be returned. He is right about it. It costs the Treasury nothing and is to be repaid.

Mr. FITZGERALD. Will the gentleman yield?

Mr. FERRIS. I have only a few moments.

Mr. FITZGERALD. Every cent goes ultimately into the school system.

Mr. FERRIS. I hope the gentleman will not interrupt me, for I have only saved a very short time for the committee. Let me go a little further. Let us see what ex-Secretary of the Interior Fisher says about it. He was before our committee. His head is usually as clear as any of ours here. He has given great attention to this subject and is in favor of conservation. He does not want to make this bill unpopular; does not want to break down our irrigation in the West. Let us see what he says about it. On page 21 of the hearings Mr. Fisher says:

Now, my own notion of it is it ought to start with very nominal charges; that the charge ought to be small at the start, and it ought to be purposely small, so as to encourage development and to give time to build the plant and get into operation. The charge can be put on a nominal basis and then periodically, say periods of 10 years, that matter ought to be readjusted.

I call attention to the fact that the leasing contract would provide for a readjustment of these provisions as often as the leasing contract desires to have it done in the public interest. He has the right view. There can be little doubt about it. I call attention to the fact that after the development proceeds for, say, 10, 20, or 30 years, then Congress in its wisdom may step in and say this fund shall not longer be used in the West

and the development of the West, but shall go into the Federal Treasury. I call attention to the fact that only 6,000,000 horsepower of a possible 200,000,000 horsepower is now in use.

Why on earth does anybody want to make this law unpopular? Why should they want to break down these conservation bills? Why should they want to break down the irrigation law? Why should they want to undo all the good that this bill does, when the present Secretary, the ex-Secretary, the head of the Geological Survey, and every man who has given clear-headed attention to this question does not agree with the chairman of the Committee on Appropriations, does not agree with the amendment or anything like it offered by the gentleman from North Carolina [Mr. PAGE], and does not agree with this constant assault upon irrigation and the development of the West? I repeat, if it was wise to pass a reclamation law giving the proceeds of the sale of the fee to the West, it is wise to let them use this lease money temporarily in the West. If it was wise to legislate \$35,000,000 for the development of Alaska, surely it is wise to let the West develop itself without one penny coming out of the Federal Treasury. It is the undoubted right of the gentleman from New York, chairman of the Committee on Appropriations—he is right about it—to guard well the Federal Treasury. It is right to look with careful scrutiny at every proposition to take money from the Federal Treasury, but I fear he goes a little outside of his jurisdiction when he seeks to regulate and take full control of the development of the West. I feel sure he reaches out a little further than he should in reference to this matter concerning the West, a matter with which he can not from the nature of things be very familiar. This bill carries not one cent of appropriation. This bill asks not one cent from the Treasury. It merely asks for the present to let the West develop the West from its own resources. It is too much, Mr. Chairman, in the Western States that have but a handful of men to try to succeed on a sagebrush, mesquite-grass flat where it seldom rains. Oh, it is easy for the advocates of this amendment to say we will reach out and get money from those Western States and enrich the Federal Treasury. I call attention to the somber fact that the entire reclamation act, including the \$20,000,000 loan, which must be repaid, is only \$79,000,000; only \$79,000,000 has been raised in 12 years, and every cent will come back to the Treasury. In the river and harbor bill we appropriated \$55,000,000 in a single year, which practically passed the House by unanimous consent, and I voted for it, and my colleagues from the West about me voted for it; we all voted for it, and yet men say it is too much to say that the West shall not develop itself. Let us take pride in the West. Let us develop the West. Let us work together about it. It is a task worthy of our time. It will be a monument that will endure for all of us. Let us do so now. Let us work at it together. Let us accomplish it together. Let us do it not for the West, but for the country. [Applause.]

I ask for a vote, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. PAGE].

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. PAGE of North Carolina. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 15, yeas 68.

So the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 7, line 1, after the word "rentals," insert the following: "As follows: First, 5 per cent per annum of the value of the lands leased."

"Second, such sum per annum as shall measure the benefits to the lessee of all expenditures by the United States on the drainage area of the stream from which the lessee obtains water for power, which payments shall in no case exceed in the aggregate the total sum expended by the United States for the protection of the watershed and not more than 5 per cent per annum of the cost of works erected by the United States which may be beneficial to lessees."

Mr. MONDELL. Mr. Chairman, the gentleman from Indiana [Mr. CLINE], a few moments ago in the discussion, properly characterized the charges provided for in this section. He said they were a tax. He did not say to us on what authority the Federal Government levies a tax on an enterprise within a State, a tax not uniform throughout the States. The bill provides that the Secretary of the Interior shall lease certain lands belonging to the Government, and then it proceeds to provide that by reason of that lease of lands the Secretary of the Interior may make a charge for horsepower on all the power developed by the enterprise. In other words, the Secretary

could make as great a charge or a greater charge for the use of an acre as was made for the use of 100,000 acres. An enterprise using 1,000 acres of public land might be charged but 10 per cent of the amount charged another enterprise using one-tenth or less than one-tenth of the amount of land.

As the gentleman from Indiana [Mr. CLINE] says, this is an excise tax. The Constitution of the United States says that excise taxes shall be uniform throughout the Union. It is not intended that these shall be uniform. They can not be uniform, because they only apply to certain States. It is not intended that they shall be uniform within the States affected. They could not be under the provisions of this bill. It is not intended that they shall be uniform with regard to the projects developed under this act. The Secretary may make them high in one case and low in another. Gentlemen pass over this as though it were a very ordinary piece of legislation, as though it was a very common thing in Congress to introduce and pass bills under which we levy excise taxes on certain industries of certain States of the Union. It is entirely proper, if we are to lease the lands of the Government for this or any other purpose, that we should obtain proper revenue from the lease. It is also proper, if an enterprise is situated on public lands and there are expenditures on other public lands that benefit the enterprise, that the enterprise should pay for the benefits. Some of these projects, some of these water powers, will be on forest reserves, and a large portion of the drainage area above the water power will be controlled by the Federal Government, and it is hoped that the protection of the reserve will increase the flow of water. It is possible that the Government may erect dams and build reservoirs on forest reserves that may benefit water powers lower down. It is entirely proper that the power so benefited shall pay for the benefit. And that is what my amendment does. It provides, first, that the National Government shall demand of the lessee a sum not to exceed 5 per cent per annum of the reasonable value of the land used by him; second, that he shall pay the cost of whatever expenditure is made by the Federal Government on his watershed so far as it shall benefit him; that he, and others situated as he is, lessees of the Government, shall pay 5 per cent per annum of the actual capital cost of any improvements made by the Federal Government which may benefit the enterprise. That is all that the Federal Government as a proprietor can properly charge. It is all that the Federal Government should attempt to charge. To do any more than that is to attempt to do an unconstitutional thing. It is an attempt to lay heavy burdens on certain selected enterprises in certain States that are not laid on other like enterprises in the same States and are not laid on any enterprise in other States. The effect of it will be to take from the States large sources of revenue. The effect of it will be, if any considerable burden shall be laid upon these enterprises, to give an advantage to the powers already developed and to make it difficult to develop under this act.

The House passed a few days ago what is known as the Adamson bill, or dam act, relating to the development of water power on navigable streams. A number of rather curious and questionable provisions were inserted in that bill, but the House refused to place in it any provision for a tax on the power development. It was realized that such a tax would have been unconstitutional as well as inequitable and a burden which ultimately must fall on the consumer; but there would have been at least some excuse for a provision of that kind where the Government controls the water utilized. What a howl such a provision, applied to the East and South, would have brought forth! Yet it is coolly proposed to levy such an excise tax on development in the public-land States, where the only interest or control the Government has arises out of the ownership of some lands that may be utilized, possibly only for a transmission line, and where the people of the State themselves own the one essential element, to wit, the water. These enterprises should pay for any rights and benefits they receive from the Federal Government in the use of its lands, for any increase or protection a forest reserve, or expenditures on it, may produce in stream flow; but beyond that the Federal Government has neither a legal nor equitable right to lay heavy burdens on industries which the consumers must pay, and which may be so heavy as to deprive communities of the opportunity of collecting revenues or compelling them to collect them on top of charges already too heavy.

Under this bill one man, the Secretary of the Interior, whoever he may be, is given full control over the taxing power. We assume the right to levy an excise tax lacking in the constitutional requirement of uniformity, and then we assume authority to delegate this unconstitutional power to the Secretary of the Interior to fix as he sees fit. He may make the rate prohibitive

or he may make it high in one case and low in another. Never was such unlimited power to lay burdens or to grant favors extended to anyone under a republican form of government. The States and their people, you would imagine, had no rights which Congress is bound to respect and which may not be handed over to a Federal official. Of course I do not anticipate that these provisions will ever become a law. They are being railroaded through the committee here, without anyone making a serious argument in their defense. About the only answer one receives to arguments against them is that those who do not like them and complain of them do not love their country. Fortunately these questions will be really considered in another body where there is opportunity for debate and some consideration for the rights of the people in their various States and communities.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FERRIS. Mr. Chairman, I call attention to the fact that the present value of the land might not be worth more than one dollar and a quarter an acre and the dam site might in the future be worth \$1,000,000. So there must be few here who would want to put a positive prohibition in the law that the Secretary could not go beyond 5 per cent of the present value. This amendment may have good in it, but I fail to observe it. It certainly is not what the House would desire to do. It certainly is not what they should do. It could not be in the interest of the Government. It is sure to hinder and work against our interests. It ought to be disagreed to.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read the amendment, as follows:

Page 7, line 3, after the word "and," insert "50 per cent of"; and on page 7, line 7, after the word "act," strike out the remainder of the line and all of lines 8, 9, 10, 11, and 12 down to and including the word "found" and insert in lieu thereof the following: "and 50 per cent of the proceeds."

Mr. MONDELL. Mr. Chairman, we voted a few moments ago on an amendment offered by the gentleman from North Carolina [Mr. PAGE], the purpose of which was to strike out the provision of the bill which places in the reclamation fund the sums received from leases under this act. I voted against the amendment of the gentleman from North Carolina, and I am very glad that it was defeated by so large a majority. And yet the provision which we thus retained in the bill is not a fair, a just, or an equitable one. If the provision now in the bill shall remain and it becomes a law as it is, with regard to the basis and nature of the charges, we shall have levied under the Constitution, prohibiting it, an excise tax on and limited to certain enterprises in certain States, and we shall have taken from the States to the extent that we have so levied the power of the State to collect revenue.

Now, we propose to take those receipts and place them in the reclamation fund, and we think that we are doing a very generous thing when we do that. I can not see it. If there is any considerable development under this bill, it will result in vast enterprises that, in some localities at least, would constitute the main source of revenue for schools and for roads and other local purposes, and yet we do not propose to give to the States or the communities any part of all these vast sums so collected. We might raise under this bill \$1,000,000 or \$2,000,000 or \$5,000,000 a year in the State of California, for instance, and all of it might be used for the purpose of building irrigation works in Texas. We might have under it great enterprises in Wyoming, and all the receipts from those enterprises might be used for building irrigation works in Montana, California, or Idaho. We are taking from the people locally the power of taxation, taking it over and proposing to return to them nothing. No part of the moneys which we thus take from them—moneys that otherwise would be obtained by the communities and by the States through the ordinary channels of taxation—is to be paid them.

My proposition is to divide the receipts, to provide that 50 per cent of them shall be paid to the States, to be used for the maintenance of the schools and roads, and that the other 50 per cent shall go into the reclamation fund instead of placing it all in the reclamation fund, as the bill now provides.

It is true that there is a provision in the bill that at the end of 20 years or 25 years the half which goes into the reclamation fund in the first instance shall return to the State, but the States will have starved for revenues before that time shall have arrived. And, furthermore, I can not understand, and I have not found anyone else who could understand, how you could tag a

dollar going into the reclamation fund, along with millions of other dollars, and determine where it went and when it was paid back. I do not believe the provision for turning half of it back to the States after it has been paid into the reclamation fund and paid back is workable.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FERRIS. Mr. Chairman, the committee hopes that no one will support that amendment. It is not digested. It has not been looked up. It has not been considered, and it changes the whole policy of the bill. I hope the committee will not adopt it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the amendment was rejected.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise and report the bill favorably with amendments.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] moves that the committee do now rise and report the bill back to the House, with sundry amendments, with the recommendation that the amendments be adopted and that the bill as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 16673) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, had directed him to report back the bill with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. Will it be in order now to have the amendments read that were adopted in Committee of the Whole?

The SPEAKER. It is not usual; but, still—

Mr. WINGO. I will ask unanimous consent, Mr. Speaker, that they be read for information.

The SPEAKER. Without objection, the Clerk will report the amendments.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. Does it not take unanimous consent to have these amendments reported?

Mr. WINGO. Mr. Speaker, I will withdraw my request.

The SPEAKER. The gentleman from Arkansas withdraws his request. The question is on agreeing to the amendments reported from the Committee of the Whole House on the state of the Union.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. FERRIS. Under the rule, the previous question is ordered, is it not?

The SPEAKER. Yes.

Mr. FERRIS. Then, Mr. Speaker, I move that the House do now adjourn. It is apparent that we can not get a quorum here to-day.

The SPEAKER. Will the gentleman withhold that motion for a moment?

Mr. FERRIS. Certainly.

PHILIPPINE LEGISLATION (S. DOC. NO. 588).

The SPEAKER laid before the House the following message from the President:

To the Senate and House of Representatives:

As required by section 86 of the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," I transmit herewith a set of the laws enacted by the Third Philippine Legislature during its second session, from October 16, 1913, to February 3, 1914, inclusive, and its special session, from February 6 to 28, 1914, inclusive, together with certain laws enacted by the Philippine Commission.

None of these acts or resolutions have been printed.

WOODROW WILSON.

THE WHITE HOUSE, August 22, 1914.

The SPEAKER. There is a large bundle of accompanying documents. The message will be printed, but the accompanying documents will not be printed for the present, unless the House

orders the printing. The message and accompanying documents will be referred to the Committee on Insular Affairs.

PHILIPPINE PUBLIC LAND ACT (H. DOC. NO. 1148).

The SPEAKER laid before the House the following message from the President, which was read and, with the accompanying letter, referred to the Committee on Insular Affairs and ordered to be printed:

To the Senate and House of Representatives:

I submit herewith act No. 2325 of the Third Philippine Legislature, entitled:

An act amending section 13 of act No. 926, known as "the public land act," by specifying the manner in which the publication of the notices of sale of lands shall be made.

I have approved the act and submit it in accordance with the provisions of section 13 of the act of Congress approved July 1, 1902, entitled:

An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

I also transmit herewith a letter of the Secretary of War explaining the scope of the act.

WOODROW WILSON.

THE WHITE HOUSE, August 22, 1914.

PORTO RICO (H. DOC. NO. 1149).

The SPEAKER laid before the House the following message from the President, which, with the accompanying documents, was referred to the Committee on Insular Affairs:

To the Senate and House of Representatives:

As required by section 31 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith copies of the acts and resolutions enacted by the Seventh Legislative Assembly of Porto Rico during its extraordinary session (June 20 to August 19, 1913, inclusive), its second session (January 12 to March 12, 1914, inclusive), and its extraordinary session (March 14 to 28, 1914, inclusive).

These acts and resolutions are the same as those transmitted by messages of October 7, 1913 (S. Doc. 206, 63d Cong., 1st sess.), and May 18, 1914 (H. Doc. 979, 63d Cong., 2d sess.). None of them has been printed, as explained in footnote to Senate Document No. 206, above cited.

WOODROW WILSON.

THE WHITE HOUSE, August 22, 1914.

The SPEAKER. This message will be printed, but not the documents.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ADAIR, for 10 days, on account of illness.

To Mr. MONTAGUE, for 1 day, on account of illness.

LEAVE TO EXTEND REMARKS.

Mr. LEVY. Mr. Speaker, I ask unanimous consent to extend my remarks on the railroad postal pay bill.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks on the railroad postal pay bill. Is there objection?

There was no objection.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill and joint resolution:

H. J. Res. 246. Joint resolution to authorize the Secretary of War to grant a revocable license for the use of lands adjoining the national cemetery near Nashville, Tenn., for public-road purposes.

H. R. 14155. An act to amend an act of Congress approved March 28, 1900 (vol. 31, Stat. L., p. 52), entitled "An act granting to the State of Kansas the abandoned Fort Hays Military Reservation, in said State, for the purpose of establishing an experiment station of the Kansas State Agricultural College, and a western branch of the State Normal School thereon, and for a public park."

ADJOURNMENT.

Mr. FERRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 40 minutes p. m.) the House adjourned until Monday, August 24, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FLOYD of Arkansas, from the Committee on the Judiciary, to which was referred the bill (H. R. 5155) to provide for a district judge in the northern and southern districts of the State of Mississippi, and for other purposes, reported the same without amendment, accompanied by a report (No. 1101), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CULLOP, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 2496) to amend section 15 of the act to regulate commerce, as amended June 29, 1906, and June 18, 1910, reported the same without amendment, accompanied by a report (No. 1102), which said bill and report were referred to the House Calendar.

Mr. HOUSTON, from the Committee on War Claims, to which was referred the joint resolution (S. J. Res. 65) to amend Senate joint resolution 34, approved May 12, 1898, entitled "Joint resolution providing for the adjustment of certain claims of the United States against the State of Tennessee and certain claims against the United States," reported the same without amendment, accompanied by a report (No. 1103), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BLACKMON: A bill (H. R. 18491) forbidding diversion of funds deposited by United States Treasury for aiding in movement of cotton, grain, or other farm products, etc.; to the Committee on Banking and Currency.

By Mr. LEVER: A bill (H. R. 18492) to authorize the Secretary of Agriculture to establish uniform standards of classification for cotton; to provide for the application, enforcement, and use of such standards in transactions in interstate and foreign commerce; to prevent deception therein; and for other purposes; to the Committee on Agriculture.

By Mr. CUREY: A bill (H. R. 18493) placing certain positions in the Post Office Department in the competitive classified service; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 18494) placing certain positions in the Post Office Department in the competitive classified service; to the Committee on the Post Office and Post Roads.

By Mr. KINKEAD of New Jersey: Joint resolution (H. J. Res. 328) for the purchase of the vessels of the North German Lloyd and Hamburg-American Line Steamship Cos.; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURGESS: A bill (H. R. 18495) granting an increase of pension to C. A. Detrick; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 18496) for the relief of the estate of Juliet Cotton; to the Committee on War Claims.

Also, a bill (H. R. 18497) for the relief of Lewis Anderson; to the Committee on War Claims.

By Mr. MONDELL: A bill (H. R. 18498) for the relief of the owners of property injured or destroyed by overflow of the Shoshone River near Kane, State of Wyoming; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Washington Central Labor Union, urging Congress to increase the income-tax rate to secure additional revenue for the Government; to the Committee on Ways and Means.

Also (by request), memorial of the Women's Home Missionary Society of Wheeling, W. Va., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: Petition of various druggists of Aberdeen, S. Dak., favoring the passage of House bill 13305, the Stevens bill; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Petitions of the Shipowners' Association of the Pacific Coast, the Pollard Steamship Co., and others, and the Casper Lumber Co., protesting against coastwise clause in the shipping bill admitting foreign ships to American registry; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Forty-seventh Annual Encampment of the California and Nevada Grand Army of the Republic, at San Diego, Cal., protesting against any change in the flag; to the Committee on the Judiciary.

Also, petition of the Shipowners' Association of the Pacific Coast, withdrawing opposition to the emergency shipping bill; to the Committee on Interstate and Foreign Commerce.

By Mr. TEMPLE: Memorial of George Green, of New Castle, Pa., relative to increase in rates charged by the railroads; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Glasgow Presbyterian Church, of Smiths Ferry, Pa., favoring antipolygamy amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. WATSON: Petitions of sundry citizens of Surry and Mecklenburg Counties, Va., relative to rural credits; to the Committee on Banking and Currency.

By Mr. WILLIAMS: Petitions of 363 citizens, principally of Mount Vernon, Ill., relative to due credit to Dr. Cook for his polar efforts; to the Committee on Naval Affairs.

SENATE.

MONDAY, August 24, 1914.

(Legislative day of Saturday, August 22, 1914.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

Mr. THOMAS. I ask unanimous consent to submit a resolution and have it lie over.

The VICE PRESIDENT. When the Senate recessed on Saturday there was no quorum present and the Chair is of the opinion that the first thing to do is to get a quorum of the Senate of the United States. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	McCumber	Smith, Ga.
Brady	Gronna	Martin, Va.	Smoot
Bristow	Hitchcock	Martine, N. J.	Swanson
Bryan	Hollis	Nelson	Thomas
Burton	Jones	Perkins	Weeks
Camden	Kern	Shafroth	
Chamberlain	Lane	Sheppard	
Dillingham	Lea, Tenn.	Simmons	

Mr. KERN. I desire to state that the Senator from Louisiana [Mr. THORNTON] is unavoidably detained on account of sickness.

Mr. JONES. I wish to state that the junior Senator from Utah [Mr. SUTHERLAND] is necessarily absent. He is paired with the Senator from Arkansas [Mr. CLARKE].

Mr. MARTINE of New Jersey. I was requested to announce that the Senator from Alabama [Mr. WHITE] is absent on official business.

Mr. KERN. I desire to announce the absence of the senior Senator from South Carolina [Mr. TILLMAN]. He will be absent for several days. He is paired with the junior Senator from West Virginia [Mr. GOFF]. This announcement may stand for the day.

Mr. DILLINGHAM. I desire to announce the continued absence of my colleague [Mr. PAGE] on account of illness in his family.

Mr. SMOOT. I wish to announce the unavoidable absence of my colleague [Mr. SUTHERLAND].

The VICE PRESIDENT. Twenty-nine Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. KENYON, Mr. PITTMAN, Mr. SAULSBURY, and Mr. THOMPSON answered to their names when called.

Mr. CHAMBERLAIN. I desire to announce that the junior Senator from Mississippi [Mr. VARDAMAN] is unavoidably detained from the Senate.

Mr. JOHNSON entered the Chamber and answered to his name.

The VICE PRESIDENT. Thirty-four Senators have answered to the roll call. There is not a quorum present. The Sergeant at Arms will carry out the instructions of the Senate heretofore given and request the attendance of absent Senators.

Mr. STERLING and Mr. POMERENE entered the Chamber and answered to their names.

Mr. CHILTON entered the Chamber and answered to his name.